

**THE CHALLENGES FACING MEMBERS OF THE SOUTH AFRICAN POLICE
SERVICE IN PEACEKEEPING MISSIONS IN AFRICA**

by

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DEDICATION

This study is dedicated to my late husband, Professor Moses Montesh, who had always been my pillar of strength, believed in me, motivated me and constantly emphasized the value of education. He encouraged me not to quit when the going got tough, but to soldier on. To the world, he will be remembered as a professor but to our children, he will be remembered as “daddy”. His sudden departure was not only a loss to his family but to South Africa at large. He still had so much to contribute to policing and to the law enforcement fraternity. His work was inspirational to many people who were lucky to have worked with him at SAPS as well as at UNISA. He has left a legacy that he will be remembered for. He has run his race very well and he will be remembered for the mark he left in the lives of many people to whose growth he contributed. May his precious soul rest in peace.

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My sincere gratitude to all the colleagues interviewed.

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My sincere gratitude goes to those in the South African Police Service who believed in me and groomed me to be who I am today. I would also like to thank my colleagues from External Deployments and International Obligations who shared their experiences of peace mission operations. This thesis is a dedication to all those in uniform who pledged to serve and defend our country and its people in accordance with the Constitution, with honour, dignity and pride. I salute you.

TITLE: THE CHALLENGES FACING MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE IN PEACEKEEPING MISSIONS IN AFRICA

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Department : Police Practice
Degree : Doctor of Literature and Philosophy in Police Science

SUMMARY

South Africa's peacekeeping role emerged within the context of a changed landscape in Africa. The colonial legacy, the struggles against colonial rule and its subsequent replacement with post-colonial independent governments, shadowed by a global Cold War, ended in the early 1990s. These internal conflicts manifested themselves in violent armed rebellion between governments and opposition or militia groups.

The roles and responsibilities of the police during peace-mission operations evolved from merely monitoring host nation police agencies, to reforming, restructuring and rebuilding police forces destroyed by war. United Nations police have assumed primary responsibility for maintaining law and order across all missions, where they play diverse and critical roles in the effort to re-establish the rule of law in states attempting to transition from war to a peace that produces safe and stable societies.

The face of peacekeeping has changed from what was commonly known as traditional peacekeeping to being multidimensional in nature. The reason for this change is because the conflict that is taking place currently is no longer that of one country against another country, but is mostly an intra-state situation. The mandate for peacekeeping emanates from the United Nations continental body, i.e. the African Union, Regional Economic Communities, as well as the South African national legal framework.

This research was conducted with the purpose of determining the extent of the

challenges that the South African Police Service members are faced with during peace missions. The researcher recommends that further research be undertaken to focus on the following aspects: the role of South African Police Service members in Election Observer Mission and the challenges experienced during that kind of mission. Further research should also be conducted into the prevention of conflict before it even starts, especially in Africa.

KEY TERMS

The role of the police peacekeeping; Police role in peacekeeping missions; Deployment of the police in conflict areas in Africa; Peacekeeping mission by the police; Police in peacekeeping missions.

DECLARATION

I declare that the thesis titled **“THE CHALLENGES FACING MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE IN PEACEKEEPING MISSIONS IN AFRICA”** represents my own work, in both the conception of the theme and execution of the research, and that the literature that I have consulted and quoted has been acknowledged by means of complete references. This study has not previously been submitted for any degree or examination at any other university.

I further declare that I submitted the thesis to originality checking software and that it falls within the acceptable requirements for originality. The researcher understands and adhered to the standards on research ethics as proposed by the Human Sciences Research Council.

Signed

Signature
(Irene Phindile Montesh)

20 September 2019

ACRONYMS

AMIS	:	African Mission in Sudan
ANC	:	African National Congress
ASF	:	African Standby Force
AU	:	African Union
CAQDAS	:	Computer-aided Qualitative Data Analysis Software
CAR	:	Central African Republic
COSATU	:	Congress of South African Trade Unions
DDR	:	Disarmament, Demobilization and Reintegration
DIRCO	:	Department of International Relations and Cooperation
DPA	:	Darfur Peace Agreement
DPKO	:	Department of Peacekeeping Operations
DRC	:	Democratic Republic of Congo
DUF	:	Directives on Use of Force
ECCAS	:	Economic Community of Central African States
ECOSOC	:	Economic and Social Council
ECOSOCC	:	Economic, Social and Cultural Council
ECOWAS	:	Economic Community of West African States
EOM	:	Election Observer Mission
ERW	:	Explosives Remnants of War
EU	:	European Union
FPU	:	Formed Police Units
ICISS	:	International Commission on Intervention and State Sovereignty
ICTR	:	International Criminal Tribunal for Rwanda
ICTY	:	International Criminal Tribunal for former Yugoslavia
IDP	:	Internally Displaced Person
IGAD	:	Inter-governmental Authority Department
ISDSC	:	Interstate Defence and Security Committee
ISPDC	:	Interstate, Politics and Diplomacy Committee Liberation of Africa

MONUSCO	:	United Nations Mission in the Democratic Republic of Congo
MOU	:	Memorandum of Understanding
MPD	:	Mutual Defence Pact
MPD	:	Mutual Defence Pact
MSA	:	Mission Subsistence Allowance
NATO	:	North Atlantic Treaty Organization
NEPAD	:	New Partnership for Africa's Development
NGO	:	Non-governmental Organization
OAU	:	Organization of African Unity
OPDS	:	Organ on Politics, Defence and Security
OSCE	:	Organization for Security and Cooperation in Europe
PA	:	Peace Agreement
PAP	:	Pan African Parliament
PLANELM	:	Planning Element
PRC	:	Permanent Representative Committee
PSC	:	Peace and Security Council
REC	:	Regional Economic Community
ROE	:	Rules of Engagement
RPTC	:	Regional Peacekeeping Training Centre
RSA	:	Republic of South Africa
SA	:	South Africa
SACP	:	South African Communist Party
SADC	:	Southern African Development Community
SADCBRIG	:	Southern African Development Community Standby Brigade
SANDF	:	South African National Defence Force SAPS South African Police Service
SARPCCO	:	Southern African Regional Police Chiefs Cooperation
SEOM	:	Southern African Development Community Election Observer Mission

SIPO	:	Strategic Indicative Plan for the Organ
SOFA	:	Status of Forces Agreement
SSR	:	Security Sector Reform
UK	:	United Kingdom
UN	:	United Nations
UN HQ	:	United Nations Head Quarters
UNAMID	:	African Union/United Nations Hybrid Mission in Darfur
UNAMSIL	:	United Nations Mission in Sierra Leone
UNCIVPOL	:	United Nations Civilian Police
UNHCR	:	United Nations High Commissioner of Refugees
UNISA	:	University of South Africa
UNPOL	:	United Nations Police
UNSC	:	United Nations Security Council
USA	:	United States of America
USSR	:	United Soviet Socialist Republic
UXO	:	Unexploded Ordnance

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CHAPTER 1: GENERAL ORIENTATION

1.1 INTRODUCTION

With South Africa's transition to democracy in 1994, there was great expectation on the part of the international community that this country would actively engage in conflict resolution efforts on the continent (Solomon, 2010: 142). However, particularly during its first years in office, the South African Government, led by the African National Congress (ANC) and its alliance partners, namely the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU), was heavily focused on its pressing domestic agenda, especially poverty reduction and the transformation of the economy. Thus, the South African Government displayed a reluctance to engage in what would likely become expensive and cumbersome ventures outside its national borders (Nibishaka, 2011: 1)

Towards the late 1990s, however, there was growing recognition by the South African Government that South Africa's stability and prosperity would be intimately linked to the economic and political development of the continent as a whole, a realization that reflected an appreciation of the close nexus between regional stability and national interest. The Republic of South Africa (RSA) has, since the first democratic elections in 1994, started to reintegrate into international politics. Some of the obligations that faced the RSA were to assist by providing resources such as troops, police, food, and other humanitarian aid to the conflict areas, especially on the African continent. The South African Police Service (SAPS), has also joined other police agencies in providing peacekeepers to the African Union (AU) and the United Nations (UN), to assist in peacekeeping (Nibishaka, 2011: 5).

To that effect, the SAPS has, since 2005, started to contribute its peacekeepers to the former African Union Mission in Sudan and the current United Nations Hybrid Mission in Sudan (Van der Spuy & Bourke, 2012: 10).

As a result of all these missions, South Africa has contributed a substantial number of police officials as peacekeepers in Africa. These officials have been confronted by a number of challenges. This research will attempt to outline all the challenges that have affected the members of the South African Police Service while posted in various countries in Africa.

1.2 BACKGROUND OF THE STUDY

Since the advent of democracy in 1994, domestic and international expectations have steadily grown regarding South Africa's role as a responsible and respected member of the international community. These expectations have included the hope that South Africa would play a leading role in international peace missions. The nature of these missions has changed dramatically over the past decade. They are now complex, multidimensional conflict management operations with a diplomatic/political focus (African Centre for the Constructive Resolution of Disputes, 2007: 178). The South African National Defense Force is now but one of many role-players in processes in which civilians and police officers have become increasingly essential to mission success.

The South African approach to conflict resolution is strongly influenced by its own recent history. This strong national interest and experience in the peaceful resolution of seemingly intractable conflicts compel the country to participate in peace missions to alleviate the plight of other people/nations who are struggling to resolve similar conflicts. As a result of all these obligations, South Africa approved the White Paper on South African Participation in International Peace Missions (South Africa, 1998: 23). In terms of the White Paper, the South African policemen and women are expected to participate in international service in support of the broad UN Police (UNPOL) officers' mission. These missions entail, among other things, undertaking the supervision or control of local civilian police in order to ensure that law and order are maintained effectively and impartially.

The ultimate aim is to ensure that human rights and fundamental freedom are fully protected in a country where peacekeepers are deployed. As a result of this process, South Africa has deployed its police forces to countries such as South Sudan, the

Democratic Republic of Congo (DRC), Burundi, Angola and Lesotho, on various missions. However, the accomplishment of these missions has not been without challenges, such as lack of resources, political instability, and lack of understanding of the police's mandate by the local communities. After South Africa achieved its democracy in 1994, it faced major obligations that were performed by most states in the international arena. These obligations included, among others, re-joining the UN and the former Organisation of African Unity (OAU), as well as deploying peacekeepers to various peacekeeping missions to assist in conflict prevention and humanitarian support. International conflicts date back centuries, as far as the First World War, which formally ended with the Treaty of Versailles concluded at the Paris Peace Conference of 1919 (de Rover, 1998: 69).

This treaty created the League of Nations and the International Labour Office. The main aim of the League was to promote international co-operation and to achieve international peace and security (de Rover, 1998: 69). The League of Nations failed to achieve this aim, due to the apathy and reluctance of the member states rather than the apparent inadequacies of the treaty provisions (de Rover, 1998: 70). The League failed to prevent the Second World War, and was dissolved on the 18th of April 1946 after the establishment of the UN on the 24th of October 1945. In June 1945, fifty governments participated in the drafting of the Charter of the United Nations. The Charter is the multilateral treaty that sets out the legal rights and duties of the UN member states. According to Article 1 of the UN Charter of 1945, the objectives of the UN are:

- to maintain international peace and security;
- to achieve international cooperation in solving international problems of economic, social, cultural, or humanitarian character; and
- to promote and encourage respect for human rights, and for fundamental freedom for all, without discrimination based on race, gender, language or religion.

The prime concern of the UN is international peace and security. For the UN to succeed in this endeavour, it depends on effective cooperation among member

states, to contribute the necessary resources for the overall accomplishment of its aims and objectives. Such resources include soldiers, police officials, financial support, equipment and other resources that would be of relevance in a given mission. The UN Charter contains three critical chapters which have a serious impact on the nature of the mandates that are given to the peacekeeping missions. Peacekeeping and peace enforcement are implied from the chapters of the UN Charter of 1945. Chapter VI, on peacekeeping, deals with specific measures that can be taken with the consent of the belligerents (Bellamy, Williams & Griffin, 2004: 46). Under this chapter, peacekeepers are given a limited mandate to perform their duties. They are restricted to observation, monitoring, reporting and advising, as required by the mandate, prescribed by the UN under this chapter.

According to Chapter VII of the UN Charter of 1945, peace enforcement entails a broad variety of actions that can enforce peace, including the use of force. According to this mandate, no consent is required for the implementation of a mission. Under this Chapter, the police are armed and given full responsibility for law enforcement. On the other hand, the military is not restricted to only offering protection to civilians, they are also authorized to use force in separating parties to the conflict, and assist in law enforcement.

Collaboration between the UN and regional organizations in peacekeeping is envisaged in Chapter VIII of the UN Charter (Zacarias, 1996: 104). Under this Chapter, the UN Charter gives authority to regional organizations such as the AU, Organisation for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organization (NATO), and Economic Community of West African States (ECOWAS), to independently carry out peace settlement initiatives in their regions.

According to Shimura in Thakur and Schnabel (2001: 47), the UN Truce Supervision Organization created what is known as peacekeeping today. Traditional peacekeeping was concerned with fighting between two or more countries, and peacekeepers would be deployed to separate them, either by drawing a ceasefire line, or deploying in a buffer zone to keep the combatants at a healthy distance from each other. The job of peacekeepers was not difficult as such, because they knew

who the parties to the conflict were and their duties focused mainly on separating them. These classic conflicts were mainly of an interstate nature.

Shimura in Thakur and Schnabel (2001: 48), states a similar example of two states caught up in warfare, even today, there is the conflict between Ethiopia and Eritrea over a piece of land that both countries claim belongs to them. In this type of conflict, parties are clearly identifiable and the reasons for the conflict are clearly articulated. Peacekeeping missions or peace-support operations were minimal during their early evolution. Few missions were experienced, due to the tension that existed between the East and the West during the cold war period. It was during this time that traditional peacekeeping missions of the kind mentioned above, were evident and the UN had no serious in-mission challenges of dealing with parties to the conflict until in 1989, when the cold war officially ended. After the war, the nature of peacekeeping changed, due to the dynamics of conflicts. Most conflicts were no longer taking place between states (Shimura in Thakur & Schnabel, 2001: 56).

Most conflicts are now within states, that is intra-state. According to Miall, Ramsbotham and Woodhouse (1999: 130), civilians are the targets and not accidental victims in these wars. It is further indicated that these wars often persist for years, causing untold human suffering, but only sporadically catching the attention of the international community at large. The real victims of these conflicts are women, children and other vulnerable groups that have no means of protecting themselves against the parties to the conflict. Traditional peacekeeping, as it is known, is no longer relevant to this type of conflict (Miall et al., 1999: 128). Peacekeeping operations started to be broader and the parties involved in the conflict introduced a new component, namely, of civilians who have a specific role to play in the peace-building processes.

Currently, in addition to the traditional military functions, the peacekeepers are often engaged in various police and civilian tasks, the goal of which is a long-term settlement of the underlying conflict (Chayes & Chayes, 1996: 484). On the other hand, peacekeeping is characterized by peace-enforcement. This entails enforcement of ceasefire agreements and the protection of humanitarian actors in

the mission environment. The increasing complexity of peacekeeping continued until the advent of the current multidimensional and multidisciplinary peace-support operations. Currently the UN, together with other regional organizations, deals with complex peacekeeping or peace-support operations that are multidimensional, and that require well-trained peacekeepers who understand the nature of today's conflicts, as compared to the traditional peacekeepers (Chayes & Chayes, 1996: 484).

1.3 DOCUMENTED CHALLENGES IN PEACEKEEPING

Since the late 90s, the UN, under the then Secretary-General, Mr Kofi Annan, intensified efforts of improving the capacity of the UNPOL Division to conduct peacekeeping operations (UN Police Magazine, 2010: 25). While trying to improve the capacity of both the UNPOL and the military divisions, the UN made some mistakes. Prominent of these mistakes are the authorization of the UN and NATO forces to attack Iraq on suspicion of possessing weapons of mass destruction; failure to deal with Kenya's 2007 post-election violence; and failure to stop the war in Ivory Coast in 2002 (Greener, 2009: 78). Below are some of the documented challenges that are still encountered in peacekeeping missions.

Meeting Demands for Skilled Police Officials: A larger challenge is to meet the demands for the recruitment of thousands of skilled police officers and civilian staff with expertise in justice, civil administration, economic development or other specialized fields. UN peacekeeping is also expected to secure other capabilities such as tactical air support, field medical facilities and movement control operations. Again, the logistics of all these are very complex and the resources available to the UN tend to be insufficient. The problem is compounded by the fact that major contributors to the peacekeeping budget are often late in paying their dues (UN Report, 2008: 34).

Universal Code of Conduct: In 2012, there were almost 10 000 police personnel serving in Africa, coming from a variety of cultures, backgrounds and training. Imposing a common code of conduct and discipline onto such a heterogeneous force poses a huge challenge (UN Report, 2011: 12). In terms of the Code, the Formed

Police Unit (FPU) members are required to perform their duties solely with the interests of the UN in mind, acting so as to recognize the needs and interests of the host country and its people, and acting with professionalism, impartiality, integrity, independence and tact in all their dealings. However, according to the UN Report (2011: 20), there have been reports of misconduct committed by members of the Formed Police Units, including acts of sexual abuse, abuse of resources, and involvement in clandestine operations such as dealing in diamonds. The Report indicates that these incidents took place in the DRC, Sierra Leone, Southern Sudan and Sudan (Darfur).

The Existence of Spoilers of Peace: Another problem potentially besetting peacekeeping missions today is that of the spoilers of the peace. This arises most often when peacekeepers are sent to keep the peace within a country where several factions are involved. A peace agreement signed in such a context may not last long if one faction does not adhere to it or decides to dispense with it sometime after peacekeepers have come onto the scene. When this happens, peacekeepers can then find themselves enmeshed in a war zone, which would radically alter the purpose of their mission and also create a situation of heightened risk of casualties among the peacekeeping forces (UN Report, 2008: 2).

Cultural Shocks: Although police officers selected as peacekeepers are expected to display an understanding of the differences between their own national culture and economic background and that of the host nation, such awareness is not always sufficient. In countries such as South Sudan and the DRC where there are numerous ethnic groups with varying traditions, it is very difficult for police officials to apply or implement policing strategies in one area without having to adapt to the needs and practices of another ethnic group, in another area (UN Police Magazine, 2011: 29). Therefore, ethnic and cultural diversity is a serious hindrance in peacekeeping missions in Africa.

De-escalation of disputes: UNPOL peacekeepers are expected to, whenever possible, endeavour to actively limit or prevent disputes from increasing in tension or scale, or erupting into open conflict and violence. The use of preventive diplomacy can ensure that such disputes remain at a manageable, navigable level, and any

increase in conflict magnitude may be averted by forecasting and de-escalating predictable crises (UN Police Magazine, 2012a: 56). However, these efforts are normally hampered by the kind of UN Mandate for that particular country. The Darfur region, South Kurdufan and Blue Nile in Sudan as well as the Ivory Coast are good examples of where the warring factions keep on going back to war as a result of a restrictive UN peacekeeping mandate (UN Police Magazine, 2012a: 56).

Language Barriers: In terms of the UN recruitment guidelines, consideration for selection as a peacekeeper should take into account familiarity with whichever language is determined as the mission official language. As a minimum, the officer is expected to be proficient in at least one of those languages (in the majority of cases these will be English, French, Spanish and Arabic) (UN Report, 2008: 12).

However, in most African countries, especially in the Great Lakes or Central Africa, Kiswahili is the most spoken language, yet this language does not form part of the training syllabus. Furthermore, Arabic, French and Spanish are not spoken languages in South Africa, yet they are UN official languages. Again, time spent on learning the basics of these languages is not enough (UN Report, 2008: 12).

Religion: In most countries, souveniring of religious artefacts is viewed as both a sacrilegious and criminal offence. Most religious elders are normally happy to discuss their faith with interested non-believers, as long as the approach is made in a respectful manner that will not compromise the elder's position in his/her society. In the event that cultural differences unwittingly cause offence, police officials are expected to explain politely and patiently that such differences are unavoidable, but understanding each other's point of view can help resolve disputes. However, the problem becomes more complex in cases where religion and ideology are a source of conflict, such as in the Darfur region in Sudan (UN Police Magazine, 2010:56).

Mandate: Greener (2009: 78), states that a UN peace mission's mandate normally includes:

- supporting the implementation of a Peace Agreement (PA);
- securing access for humanitarian assistance throughout the affected areas;
- creating an inclusive political process;
- protecting civilians;
- promoting human rights and rule of law;
- monitoring and reporting on the situation along the affected areas; and
- implementing the Disarmament, Demobilization, and Reintegration programme (DDR).

However, what is missing in such a mandate is the power to arrest and prosecute those who break the law.

UNPOL peacekeepers are not given law enforcement powers because such powers are vested in the local authorities. It is only when there is a total breakdown of the host country's justice system that such law enforcement powers are given to peacekeepers. This hampers police activity in the sense that militias normally take the law into their own hands. Such actions have a tendency to spark violence among the communities and the potential to lead the country back to war (Greener, 2009: 79).

Idealism vs. Realism: The UNPOL peacekeepers are expected to be able to differentiate between idealistic and realistic attitudes and approaches to problems. Analysis of problems and clear and factual reporting to superior officers must not be understated. The policeman's ability to determine courses of action that are achievable rather than desirable is a quality not to be overlooked (UN Police Magazine, 2010: 56). Although this is not easy, due to the fact that there are so many challenges facing officials on peacekeeping missions.

Limited Resources and Logistics: According to the UN Report (2008: 87), any logistics system for the UNPOL Peacekeeping Operation is generally designed to conduct the following tasks –

- the maintenance of the United Nations Civilian Police (UNCIVPOL) mission;
- the planning and support of its operational requirements;
- the provisioning and coordination of logistics, communications, general stores, rations, electronics, data processing, petrol, oil and lubricants;
- the control of the allocation of transport facilities;
- the supervision and review of the administrative activities of the mission; and
- the management and operation of postal services, movement control and security arrangements.

The experience of the researcher is that the above-mentioned tasks depend on the type of mission deployed in the host country. If it is a hybrid operation, which is a joint AU and UN operation, the allocation and provision of resources are not an issue. However, if it is an AU operation, countries are expected to provide their own resources and logistics. This arrangement becomes problematic because other countries tend to rely on countries that have better resources, such as South Africa and Nigeria, thus making the mission to operate with limited resources.

Challenges with the Top Chain of Command: While serving as UN peacekeepers, members of the SAPS are accountable to a Police Commissioner designated for that particular mission. The Commissioner discharges his/her functions and duties and regulates his/her conduct, solely with the interests of the UN at heart and will not seek or accept orders or instructions from his/her Government or any other authority external to the UN (Greener, 2009: 45). Furthermore, the Commissioner has to maintain impartiality and objectivity in his/her dealings and is therefore discouraged from having any family or close friendship ties with individuals or organizations in the countries in the mission area that could give rise to any doubts about his/her neutrality. However, in most cases where the SAPS have been deployed in Africa, they have been under the command of a Commissioner who had been seconded from countries such as Ghana or Nigeria (UN Report, 2008: 87).

There are instances where some of these commissioners impose stringent instructions on their subordinates, instead of upholding the mandate and the principles of the UN. Giving instructions that are contrary to the mandate, for

example, with regard to escorting the militias to prevent them from later attacking the civilians. This is seen by most South African peacekeepers as a step backward and a hindrance to a successful mission (South African Police Service, 2012: 10).

Infrastructure and Resource Inadequacies: Most of the African regions' geography renders distribution of humanitarian assistance difficult. For example, the Darfur region in Sudan has very few transportation routes and water supplies are scarce. During the rainy season, roads and railways become nearly impassable, requiring the AU/UN Hybrid Mission in Darfur (UNAMID) to use aerial transportation to deliver aid. The United States of America (USA) has supported UNAMID with heavy equipment and air assistance, but more equipment is usually needed for the mission to protect civilians and to deliver supplies (UN Police Magazine, 2010: 67).

Government Interference: Governments where the peacekeepers are deployed, at times impose many restrictions that stifle the success of the peacekeeping mission. The classic example is of the Sudanese Government that allowed UNAMID into Sudan in 2008, but restricted the mission's access to certain areas of the region. Khartoum instituted limited entry into the country as a whole, by implementing stringent visa requirements for UN staff and other humanitarian workers. These types of restrictions further complicated UNAMID's task of delivering humanitarian aid to the ravaged regions (UN Report, 2009: 22).

Possible Stateless people could lead to renewed violence: There are concerns that a possible outbreak of violence, due to the movement of people from Sudan to South Sudan, could negatively impact on the security in Darfur, for example: Both countries have failed to agree on a concrete citizenship plan for individuals of South Sudanese origin currently living in Sudan. Since South Sudan achieved independence from Sudan in July 2011, as many as 500 000 South Sudanese have been left stranded in Sudan and are threatened with becoming a stateless group unless the two nations create an arrangement

regarding their future status. The same problem is experienced in the DRC, where there are refugees from Rwanda, Uganda and Angola, and these citizens are normally accused by host countries of harbouring rebels. As a result, refugees live in fear of being deported back to the war zones (UN Report, 2012: 23).

Safety of Humanitarian Workers and Peacekeepers: Rebel groups have increasingly directed attacks at humanitarian workers and peacekeepers in Africa. On 29 February 2012, an unidentified gunman fired on UNAMID peacekeepers in South Sudan, killing one and injuring three. Several days later, two more peacekeepers survived a shooting attack while riding on a bus. In all, thirty-six UNAMID peacekeepers have been killed as a result of insurgent attacks since UNAMID first deployed in 2008. Incidents of abductions and car-jacking have also been directed towards humanitarian workers and such attacks are very common in the DRC as well (UN Report, 2012: 45).

Unexploded Ordnance and Explosive Remnants of War: Unexploded Ordnance (UXO) remains a serious problem in Darfur and the DRC, with many areas of the remote region littered with mines and other explosives due to the protracted conflict between rebels, Government forces and allied militiamen. Angola, Mozambique, Sierra Leone and Liberia are good examples where most of the countryside is littered with unexploded landmines (UN Police Magazine, 2012a: 67). UXO and Explosive Remnants of War (ERW) obstruct delivery of aid, hinder the return of refugees and prevent farmers from cultivating their land. Since January 2011, UNAMID's Ordnance Disposal Office has destroyed a total of 559 UXO and ERW. However, continued insecurity in Darfur and the DRC interferes with efforts to fully address this issue (UN Police Magazine, 2012a: 67).

1.4 PROBLEM STATEMENT

In terms of the White Paper on South African Participation in International Peace Missions (South Africa, 1998), the South African police officers are expected to participate in International Service in support of the broad United Nations Police (UNPOL) officers' mission. Peacekeeping missions could entail many things, such as the supervision or control of the local police agency, in order to ensure that law and order are effectively and impartially maintained.

South Africa has contributed a substantial number of police officials as peacekeepers in Africa, because police officers play a vital and ever-expanding role in the UN peace operations. Their roles and responsibilities have grown from merely monitoring a host nation's police agencies to reforming, restructuring, and rebuilding police forces decimated or discredited by war (United Nations, 2008a:16).

Across all missions, they play diverse and critical roles in the effort to re-establish the rule of law in states attempting to transition from war to a peace that produces safe and stable societies. According to the United Nations Chiefs of Police Summit (2018), the police are a make-or-break institution. That is why peacekeeping missions should be composed of the police service that is representative, responsive and accountable to the community it serves, as this is crucial for peacefully managing and transforming conflict and dealing with societal grievances.

According to the United Nations Chiefs of Police Summit (2018), initially the United Nations Police were mostly tasked to monitor ceasefire agreements, but with the passage of time, they provided a more robust response, thus causing peacekeepers to continuously find themselves as the targets of constant attacks. The United Nations Chiefs of Police Summit (2018), emphasize that, even though the United Nations Police have many challenges, peacekeeping remains the most cost-effective and efficient path to sustainable peace and security.

The fundamental challenge in peacekeeping is posed by the nature of the modern conflicts that are mostly intra-state rather than traditional conflicts that were mostly

inter-states. This brought a paradigm shift from traditional to modern peacekeeping operations. Traditional peacekeeping was designed to deal with fighting between two or more countries and peacekeepers would be deployed to separate them, either by drawing a ceasefire line, or by deploying in a buffer zone to keep the combatants at a healthy distance from each other. The traditional peacekeeping missions were not as complicated as they are currently, because peacekeepers knew who the parties to the conflict were and their duties focused mainly on separating them.

At an operational level, field commanders have to decide when and under what circumstances peacekeepers are required to act to prevent mass atrocities. A consecutive approach may prevent field commanders from taking prompt and decisive action required to suppress violence from escalating to mass atrocities. While a liberal approach, where field commanders can use their discretion on when atrocities can be prevented, could be viewed as a blanket approval that is aimed at usurping the responsibilities of the host country. This makes peacekeepers, who are operating on the borderline between prevention and reaction, to face a dilemma of being blamed for acting outside the mandate, should they take action or being blamed for doing nothing about the atrocities, should they not act. The end product being that the peacekeeping mission will lose its credibility. These considerations cast doubt on how effectively peacekeepers can fulfil their obligation to protect civilians if they simply focus on responding to actual or potential mass atrocities by using armed force (United Nations, 2009b: 8).

In some peacekeeping missions, there are protected zones that are created to protect civilians. These protected zones tend to be ineffective in the absence of sufficient political will and military capabilities. Thus failing to sufficiently safeguard the protected zones and compromising the protection of the civilians, which ultimately dishonours the obligation to protect civilians (United Nations, 2009b: 13).

Underscoring the sentiment of the United Nations Chiefs of Police Summit above that, although peacekeepers experience many challenges, peacekeeping remains the most cost-effective and efficient path to sustainable peace and security. This

emphasises the need to establish the challenges experienced by the South African Police Service members in peacekeeping, in order to address them for the effective and efficient peace operations.

1.5 THE RESEARCH QUESTION

According to Krefting (1991: 20), a research question refers to a statement that identifies the phenomenon to be studied. It guides the research study so that it should be clear, focused and synthesize multiple dimensions to present the argument that the researcher is advancing in a study. Creswell (2009: 111) emphasises that the research question spells out beforehand what the researcher is probing with the research that is being conducted. The main question that this study is designed to answer is: What are the main challenges facing the members of the South African Police Service in peacekeeping missions in Africa?

1.6 RESEARCH OBJECTIVES

Research objectives describe what the study is intending to achieve by simply answering that question on why this research was conducted. According to Bryman (2012: 5), the research is conducted to address gaps in the literature or inconsistencies between a number of studies or unresolved societal issues. The main objective of this study is to establish the challenges experienced by members of the SAPS in peacekeeping missions in Africa. The following sub-objectives have been developed to focus the study on the achievement of the main objective:

- To understand the roles and responsibilities of the UNPOL Division in peacekeeping missions.
- To understand the mandate of the UNPOL Division in peacekeeping missions.
- To understand the role of the UN Criminal Justice Standards for UNPOL in peacekeeping.
- To understand the mandate of the AU and the Southern African Development Community (SADC) in peacekeeping missions.
- To understand the mandate of the SAPS in peacekeeping missions.

- To provide policy guidelines that will assist members of the SAPS to overcome challenges during peacekeeping missions.

1.7 THE VALUE OF THE STUDY

By its very nature, research provides new discoveries and better understanding of concepts or phenomena, thus making a theoretical contribution to a discipline. Tracy (2010: 846) states that theoretical significance requires more than the mere application of the existing theories, but should build on the existing theories or problematize current theoretical assumptions. Thus making the study to build on past research to provide new conceptual understandings that can be used by future researchers.

Tracy (2010: 846) categorise the significance of the study into the following:

- *Heuristic significance* – makes people to further explore, research, or act on the research findings. It could be increased by providing readers with substantive suggestions for future research and influences a variety of audiences, such as policy makers, research participants, lay public to engage in action or change. This study provides challenges that are encountered by the members of the South African Police Service deployed in peacekeeping missions in Africa. This will make policy-makers review the existing policies to be able to address these challenges.
- *Practical significance* – deals with the usefulness of the knowledge and its ability to shed light and empower participants to see the world from different perspectives. This study will make the South African Police Service know and understand the challenges experienced by its members during the peacekeeping missions.
- *Methodological significance* – relates to the engagement of the research methodology in a new, creative or insightful way. The research project that yields a significant contribution by introducing and explicating a new methodological approach. This study does not have significant theoretical

significance apart from reaffirming the value of the existing methodological approaches in achieving its objective.

1.8 DEFINITION OF KEY CONCEPTS

Any science forms its own specialized language and there is a need to ensure that the readers of the research document understand the concepts used in that discipline. That is why the concepts used should be accurately defined. Vague meanings attached to concepts create problems in properly understanding the research report. Confusion about the meaning of concepts can destroy the value of the research study as it could open it to different interpretations. Leedy and Ormrod (2010: 58) emphasise that the definition of key concepts make them meaningful within the context of the study.

Peacekeeping: Peacekeeping is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemaker (UN Report, 2008:12). Over the years, peacekeeping has evolved from a primarily military model of observing ceasefires and the separation of forces after interstate wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace.

Peace Enforcement: This involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force (UN Report, 2008: 21). Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Security Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.

Peace-building: Peace-building involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all

levels for conflict management, and to lay the foundation for sustainable peace and development (South Africa, 1998: 32). It is a complex, long-term process of creating the necessary conditions for sustainable peace and works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. Its measures are designed to address core issues that affect the functioning of society and the State and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.

Preventive Diplomacy: Preventive diplomacy is an action used to prevent disputes from developing between parties, to prevent existing disputes from escalating into conflicts, and to limit the spread of the latter when they occur (UN Report, 2008: 3).

Disarmament: Disarmament refers to the assembly, control and disposal of weapons (UN Report, 2008: 4). Micro-disarmament is the practical disarmament in the context of the conflicts that the UN is actually dealing with, and is relevant to post-conflict peace-building. Disarmament can also follow enforcement action. All sanctions' regimes include an arms embargo.

Peace Mission: Although there is general consensus today that all measures aimed at conflict prevention, management and resolution are in essence political and diplomatic activities (of which the military is but one, subordinate player), the term peace operation immediately creates the perception of military dominance (Greener, 2009: 45). The term mission, on the other hand, suggests a broader series of political and diplomatic activities. As all current UN activities to prevent or settle international disputes are in essence political and diplomatic activities, the term peace mission constitutes an appropriate generic term to include preventive diplomacy, peace-making, peacekeeping, peace enforcement, and peace-building.

Peace-support Operations: The term peace-support operations is widely used to cover peacekeeping and peace enforcement operations (African Centre for the Constructive Resolution of Disputes, 2007: 67). The UN has also accepted the meaning as such. The term peace-support operations should therefore be used to refer to all military activities in support of a peace mission. This includes military

activities in support of predominantly political activities, such as preventive diplomacy, peace-making and peace building.

Peacekeeping Operations: Peacekeeping operations describe the activities of the UN in the field. Modern peacekeeping operations now normally involve both military and civilian personnel, who are tasked with monitoring and assisting with the implementation of agreements reached between belligerent parties (UN Report, 2008: 34). Such activities are also mandated under Chapter VI of the UN Charter of 1945. They take place with the consent of the conflicting parties and do not involve the use of force (other than in self-defence) by the peacekeepers.

Humanitarian Assistance: Is the provision of dire human needs such as emergency food and medical supplies, health care, sanitation, shelter, etc. to people at risk in a wide variety of regions and countries (Greener, 2009: 20). With increasing recognition of the importance of human security over state security, it is unavoidable that humanitarian concerns will also be prominent in contemporary peace missions. Indeed, many of the civilian actors in peace missions will be attending to humanitarian rather than political concerns. Their work may be motivated by a singular desire to alleviate human suffering, rather than to contribute to the overall peace process. The military, when engaged in peace-support operations, should therefore be aware of the humanitarian dimension and of the role of actors such as the International Committee of the Red Cross, the UN High Commissioner for Refugees (UNHCR), the World Food Programme, and a variety of Non-governmental Organizations (NGOs), working in the humanitarian field.

Humanitarian Intervention: Is any form of assistance that is often provided by civilians, with the negotiated consent of governments and local authorities (UN Report, 2008: 23). There is often an imperative for humanitarian intervention where humanitarian access is denied to the international community because of unresolved armed conflict, and where the military has a distinct role to play in the coercive or protective creation of humanitarian space. Humanitarian interventions may resemble other forms of peace-support operations (in terms of an international mandate,

multinational forces etc.) but they are not, strictly speaking, part of a peace mission with an overarching political objective and imperative.

Rule of Law: The United Nations Secretary General Report (2004: 2), defines the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated, and that are consistent with international human rights, norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.

1.9 THE ORGANIZATION OF THE THESIS

The study is laid out as follows:

Chapter 1: General Orientation: The purpose of this chapter is to familiarize the reader with the role of the police in peacekeeping missions and the challenges they encounter.

Chapter 2: Research Methodology: This chapter focuses on the research methods, the sampling, the population, the data collection methods, as well as the data analysis. It concludes by addressing the ethical considerations of the study, challenges encountered during the study, as well as strategies to ensure the validity and reliability of the study.

Chapter 3: The Roles and Responsibilities of the UNPOL Division in Peacekeeping Missions. This chapter focuses on the responsibilities of the UNPOL Division in peacekeeping missions, and also examines the UN Criminal Justice Standards for UNPOL.

Chapter 4: Peacekeeping Bodies and the Legislative Framework in Peacekeeping. This chapter deals with the legal framework of the UN, AU and SADC, as well as the South African legal framework on peacekeeping missions.

Chapter 5: Research Findings: This chapter presents the literature and empirical findings of the study.

Chapter 6: Recommendations and Conclusions: This chapter outlines the conclusions and the recommendations designed to address the shortfalls indicated in the research findings.

1.10 CONCLUSION

The chapter provided the background on how peace missions changed, from the time of the League of Nations to what is currently known as the UN. It also provided the history of peacekeeping, from the beginning of the League of Nations, until the current period of multidimensional peacekeeping. It also described the background of the OAU and the AU. More importantly, it is worth noting that for more than a half-century since the UN-mandated police officers to serve in the Congo, UNPOL have played a vital role in helping countries emerge from conflicts.

The UNPOL have aided countries in re-establishing law and order, thereby enabling refugees and displaced people to return to their towns and villages, and the economic activity to begin again. They have helped to rebuild security institutions, providing the crucial impetus for judicial systems and respect for human rights to take root.

Today, more UNPOL are serving in international missions than ever before. This Chapter also provided the definition of concepts that will assist the reader to understand the context within which the concepts are used. Finally, the Chapter details the organization of the thesis and what the chapters will entail. The next chapter focuses on research methodology, and it entails a discussion of research methods, the sampling, the population, the data collection methods, as well as data analysis, ethical considerations of the study, and strategies to ensure trustworthiness of the study.

CHAPTER 2: RESEARCH METHODOLOGY

2.1 INTRODUCTION

The Chapter indicates the methodology that was used, as well as the rationale for using such methodology to answer the research question and to achieve the research objectives. It also provides the population and the research sample used as well as the reason for selecting such sample in order to acquire the type of data that enabled the researcher to obtain the information that is required for this study. This led to the method that was used to collect the required information.

The information obtained was analysed to arrive at the crux of the responses in order to develop the themes and provide contextual understanding of the research study. The demarcation of the study is dealt with as well as the process that was followed to ensure its trustworthiness. This is done within the ethical code of conduct that the study complied with, particularly in protecting the well-being of the participants.

2.2 RESEARCH METHODOLOGY

The research methodology offers the research principles that are linked to the paradigm that serves as a strategy of acceptable research practices (Babbie & Mouton, 2010: 103). In conducting research, the researcher determines the research methodology that will be used, being the methods that he/she intends to use in order to achieve the objective of the study. This includes deciding on who the target population will be, how these people will be accessed, for what reason they will form part of the population, as well as which strategies will be used to obtain data from the study group/s (Babbie & Mouton, 2010: 103). Within the social science studies there are two forms of research approaches, namely: the qualitative and quantitative research approach.

These two approaches differ in terms of the methods they use to collect data as well as the purpose of the study they are used for. A quantitative approach is conducted under controlled measures, with the intention to generalise the findings. In contrast, the qualitative approach is more informal, and its purpose is to obtain rich knowledge or deeper understanding of the research problem. It is used to uncover trends in

thoughts, opinions, and delve deeper into the problem (De Vos, Strydom, Fouché, & Delport, 2010: 73).

In this study, the researcher used the qualitative research method, as it was deemed to be the best method to answer the research question and to achieve the objectives of this study. Qualitative research enables the researcher to obtain detailed knowledge of the research problem through in-depth interviews and observations of the research participants (De Vos *et al.*, 2010: 292).

According to Babbie and Mouton (2010: 79), the qualitative research method is applied for particular reasons, which in this case includes: to describe, or explore, or explain the challenges experienced by members of the South African Police Service in peacekeeping missions. In this study, the researcher wanted to understand and explore the research problem. An exploratory study improves the knowledge about the problem that is not well known. The advantage of exploratory studies is that they provide the researcher with new information, while their disadvantage is that the results of the study cannot be generalised to include the whole population, although it can be transferred to a similar setting (Babbie & Mouton, 2010: 80).

2.2.1 Research Population and Sampling

Babbie and Mouton (2010: 174), define a population as an aggregate of the elements from which the sample is selected. For the purpose of this study it refers to the total number of research participants, namely – the members of the South African Police Service who were once deployed in peacekeeping missions in Africa; members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions; the office that coordinates Peace Missions in the Department of International Relations and Cooperation and South African Police Service members seconded to the Southern African Development Community Secretariat. The interviews were conducted in Pretoria due to the following factors: it has a high concentration of the target population, compared to other areas where police officers, who were once deployed in peacekeeping missions are spread across the entire province. Pre-assessment of these other areas indicated that the researcher was to get one or two in one area and had to move to another area and

this was going to involve exorbitant costs that were going to be unaffordable. Secondly, the information required is about their experiences in foreign missions, so their location in South Africa is not a significant variable. Lastly, police officers who co-ordinate foreign deployments, are all in Pretoria.

Briefly, the respondents were chosen due to their geographic location, their experience in peacekeeping missions and their role in the deployment of police peacekeepers in Africa. Due to the nature of this study, a non-probability sampling method was used to determine who the participants in the study should be, since the purpose of the study was to give detailed information about the specific challenges, rather than providing a generic view of the challenges encountered. According to Setia (2016: 505), non-probability sampling is based on the researcher's choice of the population that is accessible and available. Some of its methods include purposive sampling, convenience sampling, or quota sampling. The researcher used purposive sampling to draw the research participants from the research population.

According to David and Sutton (2011: 232), purposive sampling is a form of non-probability sampling where the researcher selects the respondents based on his/her judgement of the contribution that they can make to the study. The use of purposive sampling enabled the researcher to select the participants who answered the posed questions in detail, based on their intimate knowledge and experience in this field. To get to the individual police officers who were once deployed in the peacekeeping in Africa, a snowball sampling was used.

Snowball sampling is a nonprobability method of survey sample selection that is commonly used to locate hidden populations. It relies on referrals from initially sampled respondents to other persons believed to have the characteristic of interest. Horse (2018), states that snowball sampling is where research participants recruit other participants for a test or study due to the difficulty of finding potential participants. The following people were interviewed:

- Twenty six (26) South African Police Service officials, composed as follows, were interviewed:

- 7 police officials who were deployed in the United Nations Hybrid Mission in Sudan;
 - 3 police officers who were deployed in United Nations Mission in South Sudan;
 - 1 police officer who is responsible for coordinating the international training for deployed police officers;
 - 3 police officers who are responsible for international deployment and one of them also served at the United Nations Hybrid Mission in Sudan and United Nations Mission in South Sudan, the other one was once deployed as the contingent commander in the United Nations Hybrid Mission in Sudan;
 - 1 of the 4 police officers who were held hostage in Sudan during the United Nations Hybrid Mission in Sudan;
 - 1 section commander of external deployments;
 - 1 police officer who is responsible for the coordination of the Southern African Development Community Election Observer Missions;
 - 7 police officers deployed in the African Union Mission in Sudan; and
 - 2 police officers who were responsible for the deployment of South African Police Service members in the African Union Mission in Sudan.
- The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation.
 - A police officer seconded to the Southern African Development Community Secretariat.

In total 28 people were interviewed consisting of 27 police officers and 1 civilian.

2.2.2 Data Collection

Data collection is the process of collecting information that the researcher needs for the research study. Interviews were conducted with all participants using interview schedules that are added as annexure C; annexure D; annexure E and annexure F in order to obtain primary data from the research participants. Primary data refers to first-hand information from the participants. The semi-structured face-to-face interview refers to the in-depth form of interviewing where the number of participants is limited to two people according to Greef in De Vos et al., (2010: 292), which, in this case, was the researcher and each individual respondent. The advantage of using this type of data collection, was its ability to enable the researcher to explore the topic of the study, and to critically analyse the data collected. According to De Vos et al., (2010: 274), the one-to-one mode of interviewing ensures that other participants do not influence other participant's answers. To ensure that the researcher accurately captured what was said and that she would be able to play back what was said in cases where she was uncertain, the interviews were recorded. Permission was first sought and granted by all the interviewed participants for the interview to be recorded.

2.2.3 Data Analysis

Data analysis refers to a process of interpreting and giving order to a large amount of collected data (De Vos et al., 2010: 333). It is the process where the collected data is processed by grouping it into themes to be able to systematically understand the information provided by the respondents in the context of the research study.

Mills and Birks (2014: 43), define data analysis as a problem-solving process that involves fragmenting data into smaller, more manageable segments, that can be analysed to reveal patterns that can be interpreted to make sense. In this study, manual analysis was done by dissecting and organising the information obtained from the respondents into themes to obtain proper understanding of the provided information in the context of this study. This is in line with Mouton's (2001: 108), assertion that the main purpose of data analysis is to understand the various elements of data collected to determine whether there are patterns, trends that can

be identified, or themes that can be established. The approach used by the researcher led to a focused analysis and interpretation of the data received from the respondents and the literature.

2.2.4 Strategies to Ensure Trustworthiness

According to Rolfe (2004: 304), the task of the researcher includes ensuring that the results of the study can be proved without a doubt. This means that every step taken during the research process should convince the reader that the results are a true reflection of the original data collected. Although qualitative and quantitative studies differ on the basis of the methods used to collect data and the purpose of the study. In both these methods, researchers need to test and demonstrate that their studies are credible (Golafshani, 2003: 600). In the same way as for quantitative studies, the findings in a qualitative study can also be verified. Golafshani (2003: 600), states that, even though reliability and validity are treated separately in quantitative studies, these terms are not viewed separately in qualitative research. Instead, terminologies that encompasses both, such as credibility, transferability and trustworthiness are used. Trustworthiness is proven when the researcher can convince the readers how the results were obtained and what problems were encountered. By following such a process and taking into account the difficulties encountered during the study, validity and reliability of qualitative studies can be achieved (Rolfe, 2004: 305–308).

However, Golafshani (2003: 599), states that, although qualitative researchers view reliability and validity differently they strongly regard these concepts as inadequate, thus stating that these terms, as defined in quantitative terms, may not apply to the qualitative research paradigm. They regard trustworthiness as more comprehensive as it entails the integrity of the process from data collection to the reporting of the results. Elo, Kääriäinen, Kanste, Pölkki, Utriainen, and Kyngäs (2014: 1), state that it is important to scrutinise the trustworthiness of every phase of the analysis process from the preparation, organisation and the reporting of the results.

Thomas and Magilvy (2011: 151), use the term, rigour, in reference to the trustworthiness of the study and state that it establishes the trust in the findings of a research study. Stating further that it is useful in establishing the consistency of the

study methods and providing an accurate representation of the population studied. In other words, it provides details as a means to replicate a study with a different research sample.

The researcher ensured the trustworthiness of this study by adopting the criteria developed by Elo et al., (2014: 3–4), namely – credibility, dependability, conformability, transferability and authenticity:

Credibility – To ensure the credibility of the study, researchers must ensure that the research participants are identified and described accurately. It relates to the focus of the study and the manner in which the collected data address the focus of the study, demanding that the researcher should put a lot of thought into how to collect the most suitable data for content analysis. This starts by choosing the appropriate data-collection method that enables the researcher to answer the research questions and achieve the research objectives. In this study, the researcher interviewed the research participants, who are working with peacekeeping missions or once served in peacekeeping missions.

Transferability – Refers to the potential for extrapolation as is grounded on the reasoning that findings can be generalised to other similar settings. Is the extent to which the research results could be used to address similar issues, in a different context, if the same research process is followed. To ensure the transferability of the research findings in this study, the researcher detailed the process followed to collect data, participants used and the challenges encountered. This will be helpful in cases where the results are used in another context to determine what kind of people or methods could be used to yield similar results.

Dependability – Refers to the stability of data over time and under different conditions. Although information on the size of the sample is essential when evaluating the appropriateness of the sample, there is no commonly accepted sample size in qualitative studies, because the size of the sample depends on the purpose of the study, research questions and richness of the collected data. In this study, the researcher categorised the research participants according to their involvement in peacekeeping and recorded all the interviews.

Conformability – Refers to the objectivity that is demonstrated by the extent of the congruence between two or more independent researchers about the accuracy, relevance, or meaning of the collected data. This is to ensure that the data accurately represent the information provided by the research participants, taking into account the researcher's analysis and interpretation of body gestures, such as silence, sighs and posture during the interview. It emphasise the neutrality of the researcher in the research process, by being objective and refraining from influencing the research result. To ensure the conformability of this study, the researcher put aside her personal experiences about peacekeeping to prevent interference with the results. She avoided leading the respondents in a certain direction.

Authenticity – Refers to the extent to which researchers, fairly and faithfully, show a range of realities during their study. In this study, the researcher presented and contrasted different perspectives, on different themes, that emerged from this study.

2.3 RESEARCH DEMARCATION

The research focused on the challenges facing members of the South African Police Service taking part in peacekeeping missions in Africa. Although the interviewed police officers were once deployed in Sudan and South Sudan in various missions, the literature covers various African countries, such as the Democratic Republic of Congo, Angola, Lesotho, Burundi, Comoros, Liberia, Sierra Leone and the Central African Republic. Reference is made to Sudan/South Sudan based on the fact that the first phase of the deployment of the South African Police Service members was while Sudan and the area that is now called South Sudan still formed one country, namely the Republic of Sudan. Reference is still made to Darfur because it is a disputed area in Sudan.

2.4 ETHICAL CONSIDERATIONS

Some of the ethical challenges in the qualitative research, are dealing with the informed consent, the relationship between the researcher and the participants and confidentiality. Tracy (2010: 846), states that, as much as multiple paths lead to

credibility and other markers of qualitative quality, the following practices attend to ethics in qualitative research:

Procedural ethics – refers to ethical actions that are regarded as universally necessary such as the avoidance of harm, deception, getting informed consent and ensuring privacy and confidentiality. It also entails the avoidance of fabrication, thus entrenching the rights of the research participants. In this study, the details process and the consequences of this research, were discussed with the participants before the commencement of the research to make them aware of the consequences of their involvement. The participants were at all times treated with respect and all sensitive or personal information that the participants provided was treated with extreme sensitivity. The permission of the participants to be involved in the research was also obtained before the commencement of the study. To ensure that they divulge as much information as possible without any fear of future repercussions, they were assured that their names, ranks or position in the South African Police Service will not be mentioned in the thesis, to ensure that no response could be traced back to them. The description of who the research participants were is given in broad categorization of their functions.

Situational ethics – The situational ethics is the ethical practice that emerge from the consideration of a specific circumstance. It deals with the unpredictable ethical moments that come up during field research (Ellis, 2007: 4). In this study the researcher placed herself in the shoes of the participants to understand their feelings and their perspectives. This guided the researcher in structuring the interview process as well as dealing with matters that arose during this process, thus enabling the researcher to focus the entire interview process.

Relational ethics – Relational ethics involve the ethical self-consciousness of the researchers where they are mindful of their character, actions and their consequences to the respondents. According to Ellis (2007: 4), it relates to the care that recognizes and values mutual respect, dignity and connectedness between the researcher and researched and between researchers and the communities in which they live and work. The researchers engage in a reciprocal relationship with the

participants and do not see them as people who could only be used to get the information that they need. In this research, the researcher established a rapport with the respondents and the South African Police Service and promised that the copy of this thesis will be sent to the South African Police Service for their future use and probable placement in their library. Tracy (2010: 847), emphasises that researchers should not only use respondents to their own personal ends. To this end, the researcher ensured that the human rights of the participants were not compromised for the research gains and that the selection process adhered to acceptable research methodology paradigms. The researcher acted in accordance with the research ethics of Unisa, which requires researchers to act responsibly when conducting a study that involves human beings. According to Unisa Policy on Research Ethics, every researcher should be honest to the research subjects and when reporting on the findings (University of South Africa, 2007: 3–6). The researcher did not deceive the participants about the purpose of the study, the process and consequences of the research and the findings were reported as objectively as possible.

Exiting ethics – Ethical considerations continue beyond the data collection phase and extend to how researchers share the results. The researcher ensured that she closed the interview sessions still having a good relationship with the respondents, reassuring them that the promise she made at the beginning of the interviews and during the interviews, such as anonymity, confidentiality and reflecting the information that they provided accurately and truthfully, will be kept.

2.5 SPECIFIC CHALLENGES EXPERIENCED DURING THE STUDY

Due to the nature of the work of the research participants, it is difficult to get hold of them immediately after their return from deployment on peace missions, because they want to spend some time with their families. Most of them take leave and that delayed the process of having an interview with them and that is why an interview period took a long time.

It was difficult to obtain detailed information on the operational challenges experienced by SAPS members on peace missions from the South African Police

Service management. Due to the fact that the SAPS management stated that some of the members who return from deployment are reluctant to participate in debriefing sessions as they return being exhausted and yearning to see their families while others feel that during deployment there was not much support from the SAPS authorities to them and their families.

Some of the police officers who were once deployed in a mission felt that to discuss the challenges they had experienced would not benefit them because they were already home. Some appointments had to be postponed more than once because some of the respondents were working shifts at police stations around Pretoria and the interviews had to be done at their most convenient periods. Some members would agree to be interviewed at a certain period but failed to avail themselves at the agreed time and some would not even answer their telephones when the researcher phoned them to understand their failure to be at the agreed place on the agreed time. This led to the continuous scheduling and rescheduling of the meetings thus taking a long period for the researcher to interview the people who agreed to be interviewed. In most instances, managers responsible for deploying members were not in the office and they took time to respond to the researcher's request.

2.6 CONCLUSION

This Chapter dealt with the methodology followed in conducting this research, indicating the advantages and the disadvantages of the method used. The appropriateness of the methodology used to achieve the stated research objectives and to answer the posed research questions. The rationale for the research sample and the data collection and analysis techniques, was established in order to make sense of the collected information. The reason for the study demarcation and ethical conduct that was observed throughout the study, is indicated.

CHAPTER 3: THE ROLE OF THE POLICE IN PEACEKEEPING MISSIONS

3.1 INTRODUCTION

In his State-of-the-Nation address in February 2007, former President of the Republic of South Africa, Mr Thabo Mbeki, stated that the greatest achievement of the people of Africa in the previous two-and-a-half years had been the restoration of peace in the Great Lakes region. He expressed his appreciation of the role that the South African National Defence Force (SANDF) and the SAPS played in assisting to achieve this. He further committed South Africa to continue working with the people of the DRC, Burundi, the Comoros and Sudan, to ensure that the condition of peace and stability obtained in these countries thus far, translates into concerted action for economic reconstruction and social development. At the end, he acknowledged that there were challenges that still had to be dealt with in those areas where conflict was still being experienced (South Africa, 2009: 300).

From this statement it became clear that South Africa is expected to play a major role in peacekeeping missions in Africa. Police personnel play a vital and ever-expanding role in the UN peace operations. Their roles and responsibilities have grown from merely monitoring a host nation's police agencies to reforming, restructuring and rebuilding police forces decimated or discredited by war (United Nations, 2008a: 16). Where no effective local police capacity exists, UNPOL have assumed the primary responsibility for maintaining law and order. Across all missions, they play diverse and critical roles in the effort to (re-)establish the rule of law in states attempting to transition from war to a peace that produces safe and stable societies. According to the United Nations Chiefs of Police Summit (2018), the police are a make-or-break institution. This demands that the police service, which is representative, responsible and accountable to the community it serves, as this is crucial for peacefully managing and transforming conflict and dealing with societal grievances. Therefore, this Chapter, seeks to unravel the roles and responsibilities of the police in peacekeeping missions.

3.2 POLICING WITHIN THE PEACEKEEPING AND PEACE-BUILDING CONTEXT

The concept of peacekeeping was introduced by UN Secretary-General, Dag Hammerskjöld, with the objective of: (a) finding political solutions to ensure ceasefires; (b) stabilizing situations on the ground; and (c) providing support for political efforts to resolve conflict by peaceful means (Greener, 2009: 2). Key peacekeeping principles insisted that UN peacekeeping operations must be (Greener, 2009: 3):

- (a) UN missions (formed by the UN with a UN-appointed general in the field under the authority of the UN Secretary-General);
- (b) deployed with the consent of all parties after political settlement has been reached;
- (c) strictly impartial;
- (d) assigning personnel on a voluntary basis; and
- (e) that the military and other units operate under strict rules of engagement that emphasize the minimum use of force.

In such scenarios there was, theoretically, a peace to keep. However, the events of the early and mid-1990s, saw the UN being drawn into second-generation peacekeeping, peace-building and even the possibility of peace enforcement. Although the UN has shied away from peace enforcement post-Somalia, and although the term second-generation peacekeeping has slipped out of common usage, the term peace-building consensus has since emerged. Here, a normative shift has seen the UN being drawn into complicated and comprehensive post-conflict efforts to rebuild state institutions and to go beyond the peacekeeping principles mentioned above. This had major ramifications for UNPOL personnel. All events of the early and mid-1990s led the UN adding more responsibilities to the tasks of the United Nations Civilian Police. According to the United Nations Chiefs of Police Summit (2018), today the United Nations Police perform various functions throughout the life cycle of a peace operation that span, from providing basic security

and protecting civilians in the immediate aftermath of conflict, to developing sustainable host-state capacity to address serious and organized crime.

3.3 THE UNITED NATIONS POLICE'S PRINCIPAL FUNCTIONS

United Nations Chiefs of Police Summit (2018), states that, initially the United Nations Police were mostly tasked to monitor ceasefire agreements, but with the passage of time they provided a more robust response. That included the assumption of the host-state functions, by having special powers, such as to investigate, arrest and detain and the maintenance of public order. This does not nullify their initial principal function of monitoring the local police, as decided by the Security Council in the resolution adopted for the mission. In the United Nations Civilian Police, the role of supervision and control of the local police and the protection of human rights should be ensured, as described in the guidelines for United Nations Civilian Police, e.g. the role of the UNPOL monitors, would be to ensure that the local police forces carried out their duties, without discriminating against persons of any nationality or abusing anyone's human rights (United Nations, 2008a: 69).

Even when the role of monitoring the local police has been the principal function, additional functions may be given to the United Nations Civilian Police. In several missions, an additional function has been the training of local police, or assistance with such training. In missions where an election is scheduled during the mandated period, United Nations Civilian Police will perform tasks related to the election and assist the electoral component (United Nations, 2008a: 49). Another function could be the assistance to humanitarian agencies. Depending on the mandate, the tasks may be as follows (United Nations, 2008a: 49):

- To observe the conduct and performance of the local police and judicial investigative authorities in the arrest, detention and interrogation of persons charged with a crime, the general handling of prisoners and the searching of residences.
- To accompany local police on patrols.
- To attend the scenes of crime.

- To conduct investigations as required, where the inquiry by the local investigative body is seen to be inadequate, due to bias, indifference or deliberate intent to mislead/pervert the course of justice.
- To conduct independent patrols and observe the presence or absence of the local police.
- To observe and monitor the movement of refugees and displaced persons.
- To observe gatherings, rallies and demonstrations.
- To visit prisons and observe the treatment of prisoners.
- To follow investigations against minorities through the judicial system and monitor the final result.
- To assist humanitarian aid agencies and the civil affairs component.
- To help defuse inter-communal tensions.
- To record and report all incidents as directed.
- To monitor the tranquillity and the maintenance of law and order in the vicinity of voter registration offices and polling stations.
- To monitor that no person is denied entry into the aforementioned centres for the purpose of registration or voting.
- To assist in the reorganization and training of the local police.
- To conduct on-the-job training of the local police.

3.4 THE ROLES AND RESPONSIBILITIES OF THE UNITED NATIONS POLICE

Traditionally, multidimensional UN peacekeeping members deployed during and in the aftermath of an internal conflict face a particularly challenging environment. The host state's capacity to provide security to its population and maintain public order is often weak, and violence often takes place in various parts of the country. Basic infrastructure is likely to have been destroyed and large sections of the population may have been displaced. Society may be divided along ethnic, religious and regional lines, and grave human rights abuses are often committed during the conflict, further complicating efforts to achieve national reconciliation (United Nations, 2009a: 47).

The UNPOL peacekeepers are often deployed as one part of a much broader international effort to help countries emerging from conflict make the transition to a

sustainable peace. According to the United Nations Chiefs of Police Summit (2018), peacekeeping officers find themselves increasingly as the targets of constant attacks. Mentioning the example of the United Nations Multidimensional Integrated Stabilization Mission in Mali that is currently the most dangerous peacekeeping mission due to the proliferation of armed groups with extremist elements. Transition to sustainable peace consists of several phases and may involve an array of actors with separate, albeit overlapping, mandates and areas of expertise. According to the UN Report (2008: 16), within this broader context, the core functions of the UNPOL peacekeeping missions are to:

- (a) Create a secure and stable environment while strengthening the host state's ability to provide security, with full respect for the rule of law and human rights;
- (b) Facilitate the political process by promoting dialogue and reconciliation and supporting the establishment of legitimate and effective institutions of governance; and
- (c) Provide a framework for ensuring that all United Nations and other international actors pursue their activities at the country-level in a coherent and coordinated manner.

In addition to monitoring and observing cease-fires, UNPOL peacekeepers are frequently mandated to (UN Report, 2008: 17):

- provide operational support to national law enforcement agencies;
- provide security at key government installations, ports and other vital infrastructure;
- establish the necessary security conditions for the free flow of people, goods and humanitarian assistance; and
- provide humanitarian assistance and landmine disposal.

By helping to fill the security and public order vacuum that often exists in post-conflict settings, the UNPOL peacekeepers play a critical role in securing the peace process and ensuring that humanitarian and development partners are able to work in a safe environment. According to the United Nations Chiefs of Police Summit (2018), although the United Nations Police have many challenges, peacekeeping remains the most cost-effective and efficient path to sustainable peace and security. They

regard this as a shared responsibility for the global community and member states are encouraged to support peacekeeping missions by:

- Adequately resourcing the police operations
- Shaping mandates that reflect the actual needs on the ground
- Recognizing the critical need for qualified female officers, particularly in leadership positions
- Providing more officers who speak French, which is the language used in many host countries

In situations of internal armed conflict, civilians account for the vast majority of casualties. Many civilians are forcibly uprooted within their own countries and have specific vulnerabilities arising from their displacement. As a result, most multidimensional UNPOL peacekeepers are now mandated by the Security Council to protect civilians who are under imminent threat of physical violence. United Nations Department of Peacekeeping Operations (2017: 3), states that resolution 2185 of 2014 of the Security Council affirmed the central role of the protection of civilians during the operations of the United Nations Police. The protection of civilians requires concerted and coordinated action among the military, police and civilian components of a UN peacekeeping operation (United Nations, 2008a:19).

3.4.1 Peace-building Activities

While the deployment of a UNPOL peacekeeping mission may help to stem violence in the short-term, it is unlikely to result in sustainable peace, unless accompanied by programmes designed to prevent the recurrence of conflict. That is why the Secretary-General is demanding a change in mind-set whereby the operations will move from the reactive mode to the preventive approach; and from the short-term output-based interventions to the longer-term sustainable and collective outcomes (United Nations Chiefs of Police Summit, 2018). Every situation invariably presents its own specific set of challenges. However, as Smith, Holt and Dursch (2007: 70) state, experience has shown that the achievement of sustainable peace requires progress in at least four critical areas:

- a. Restoring the State's ability to provide security and maintain public order;
- b. Strengthening the rule of law and respect for human rights;
- c. Supporting the emergence of legitimate political institutions and participatory processes;
- d. Promoting social and economic recovery and development, including the safe return or resettlement of internally displaced persons and refugees uprooted by conflict.

According to the UN Report (2008: 18), the UNPOL peacekeeping missions generally lack the programme funding and technical expertise required to comprehensively implement effective peace-building programmes. Nevertheless, they are often mandated by the Security Council to play a catalytic role in the following critical peace-building activities: Disarmament, Demobilization and Reintegration (DDR) of combatants; landmine clearance; Security Sector Reform (SSR); and other rule of law-related activities. Protection and promotion of human rights, electoral assistance and support in the restoration of peace and stability, as well as acting as an extension of the state authority are also part of their mandate. United Nations Chiefs of Police Summit (2018), reiterates this by stating that mandates do not always reflect the available resources and capacities. Emphasizing that the United Nations Police continue to expand as the number of deployed officers currently stand at 11 000 contributed by more than 80 countries presenting its own challenge in terms of different police cultures.

3.4.1.1 Disarmament, demobilization and reintegration

The Department of Peacekeeping Operations conducted a study to document the innovative programmes that the Disarmament, Demobilization and Reintegration (DDR) practitioners are implementing in the field. To be able to provide policy makers and practitioners with the tools needed to address the increasingly complex reality of DDR operations (United Nations Department of Peacekeeping Operations, 2010: 3). Based on the fact that DDR is a critical part of the efforts to create a secure and stable environment in which the process of recovery can begin. UNPOL peacekeeping missions are usually mandated to assist in the development and implementation of national DDR programmes, but in most cases this is stifled by the

lack of political will in the host country (United Nations Department of Peacekeeping Operations, 2010: 3).

The assistance in this regard may entail the provision of technical advice, the securing of disarmament and cantonment sites, and/or the collection and destruction of weapons, ammunition and other material surrendered by the former combatants. Other agencies, working in close coordination with the UNPOL peacekeeping missions, are responsible for supporting the critical reintegration process, which aims to provide demobilized former combatants with sustainable livelihoods (United Nations, 2008a: 20).

3.4.1.2 Landmine clearance

In many post-conflict settings, landmines and other unexploded ordinance constitute a threat to the safety of civilians and pose a major obstacle to successful post-conflict recovery. Landmine clearance is therefore necessary to recreate a safe environment conducive to normal life and development. In addition to providing emergency landmine-clearing assistance, UNPOL peacekeeping missions are often mandated to help the national authorities develop medium and long-term mine action plans (United Nations, 2009a: 18).

3.4.1.3 Security Sector Reform and other rule of law-related activities

According to the United Nations Chiefs of Police Summit (2018), the police is the make-or-break institution in the sustenance peace. This relates to the importance of Security Sector Reform (SSR) in the re-establishment and strengthening of the rule of law. Progress in the area of SSR is critical to the success of a UNPOL peacekeeping mission and helps define its exit strategy, which is largely dependent on the ability of national security actors and institutions to function effectively. Depending on its mandate, a UNPOL peacekeeping mission may be called upon to assist in the restructuring, reform and training of the national police forces. UNPOL peacekeeping missions also play a catalytic role in the strengthening of national judiciary and corrections systems, and have also been mandated by the Security Council to promote legal and judicial reform or support the development of essential legislation (Trenkov-Wermuth, 2010: 6).

3.4.1.4 Protection and promotion of human rights

The abuse and violation of human rights are at the heart of most conflicts and worst human rights abuses occur during armed conflict. That is why the protection of human rights must also be at the core of the measures taken to address conflict. United Nations entities including the police have a responsibility to ensure that human rights are promoted and protected. That is why peacebuilding activities are designed to identify and support structures that consolidate peace and prevent the recurrence of violence. Trenkov-Wermuth (2010: 3), emphasize the need for comprehensive measures that include the promotion of human rights and the reform and strengthening of government institutions. That is why the UNPOL Division is therefore mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national participants and institutions to do so on their own.

3.4.1.5 Restoration and extension of State authority

The UNPOL peacekeeping missions are frequently called upon to support the restoration and extension of State authority. In order to generate revenue and provide basic services to the population, the State must be able to exert control over its national territory. The UNPOL peacekeepers may support the restoration and extension of State authority by creating an enabling security environment, providing political leadership, or coordinating the efforts of other international actors. According to the United Nations (2008a: 20), support for the restoration or extension of State authority may include efforts to develop operational support for the immediate activities of State institutions such as the local police. Where relevant, it may also include small-scale capacity building or support to larger processes of constitutional or institutional restructuring (United Nations, 2010a: 28).

3.4.1.6 Electoral assistance

The holding of free and fair elections is often written into the peace agreement underlying a UNPOL peacekeeping mission and represents a major milestone towards the establishment of a legitimate State. UNPOL peacekeeping missions are usually mandated to play a direct role in efforts to organize, monitor and carry out free and fair elections through the provision of security, technical advice, logistics support and other forms of electoral assistance. Although the UNPOL peacekeeping

missions may be required to initiate a limited number of critical peace-building activities, they are neither designed nor equipped to engage in longer-term institution and capacity building efforts. Nevertheless, experience has shown that, in the short-term, a UN peacekeeping mission may have little choice but to initiate longer-term institution and capacity building efforts, due to the inability of other actors to take the lead (United Nations, 2010a: 28).

Whenever a UN peacekeeping operation is required to engage in activities of an institution and/or capacity building nature, it is essential that it be adequately resourced and that it seeks out the requisite expertise. In such circumstances, the mission's efforts should remain focused on preparing the ground for those involved within and outside the UN system, with the mandate to provide long-term peace-building assistance (United Nations, 2010a: 28).

3.5 SPECIFIC SERVICES AND ASSISTANCE PROVIDED BY THE UNITED NATIONS POLICE

The specific services and types of assistance provided by the police components of peacekeeping operations and special political missions can generally be divided into three broad categories based on their respective mandates (United Nations, 2009a: 38):

- (a) Interim law enforcement, in which UNPOL officers are directly responsible for all law enforcement functions and have a clear authority and responsibility for the maintenance of law and order. They are, inter alia, entrusted with powers of arrest, detention and search. These responsibilities have historically been given as part of the UN transitional or interim administrations. The UN Interim Administration Mission in Kosovo and the UN Transitional Administration in East Timor are good examples of such services.
- (b) Security support to national police and law enforcement agencies, in which United Nations Police Officers, particularly members of formed police units, support national law enforcement agencies in the execution of their functions.

They are not, however, considered as law enforcement officials under the legislation of the host country and their prerogatives are consequently limited. They may, however, stop, detain and search individuals in accordance with the mandate of the mission and specific directives issued by the Department of Peacekeeping Operations of the Secretariat. They also play a key role in the protection of UN personnel and facilities. Such security functions in support of national law enforcement agencies are currently performed by members of formed police units assigned to the UN missions in Côte d'Ivoire, the DRC, Haiti and Liberia.

- (c) Reform, restructuring and rebuilding of national police and law enforcement agencies, in which UNPOL officers support the agencies in these areas through training and advising.

Direct assistance is also provided, often through trust funds, for the refurbishment of facilities and the procurement of vehicles, communication equipment and other law enforcement material (United Nations Police, 2017). Such assistance has been provided in the past, for example, by the police components of peacekeeping operations and special political missions in Bosnia and Herzegovina, Burundi, Côte d'Ivoire, the DRC, Haiti, Kosovo, Liberia and Sierra Leone. All activities of the police components of UN peacekeeping operations and special political missions are supported by the Police Division of the Department of Peacekeeping Operations (United Nations Police, 2017).

3.6 UNITED NATIONS POLICE NORMS AND STANDARDS FOR PEACEKEEPING

The UNPOL and other law enforcement officials have to conform to the norms and standards for peacekeeping. This entails, among others, maintaining integrity, use of force and firearms when necessary and prohibition of torture and other cruel, inhumane or degrading treatment of all citizens (United Nations Chiefs of Police Summit, 2018).

3.6.1 Integrity

The UNPOL and other law enforcement officials must perform their duties and functions efficiently, effectively and with integrity and in accordance with laws or administrative policies (UN Police Magazine, 2012b: 1). Police and other law enforcement officials must not abuse the power and authority vested in them by committing acts of corruption, but must rigorously oppose and combat all such acts.

3.6.2 Use of Force and Firearms

The UNPOL and other law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. Any force used should be in proportion to the circumstances and in carrying out their duties, the police and other law enforcement officials must, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result (United Nations Department of Peacekeeping Operations, 2017: 14).

3.6.3 The Prohibition of Torture and other Cruel, Inhumane or Degrading Treatment

The UN subscribes to the general assumption that all persons have the right to be free from any form of torture, threat of torture, or any other form of cruel, inhumane or degrading treatment or punishment. No exceptional circumstances can be invoked by a police or other law enforcement official to justify torture. No UNPOL or any law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhumane or degrading treatment or punishment (Weissbrodt & Heilman, 2011: 347).

3.7 CRIMES POLICED BY THE UNITED NATIONS POLICE DIVISION

UNPOL and other law enforcement officials are required to fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the degree of responsibility required by their profession. Furthermore, the police are expected to deal with the following crimes:

3.7.1 Genocide

Genocide is a crime in time of peace and in time of war. According to the United Nations (2009c: 14), genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of one group to another group.

3.7.2 Crimes against Humanity

A crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, in the knowledge that the attack is a crime (United Nations, 2009c: 16):

- murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution of any identifiable group, or collectively on political, racial, national, ethnic, cultural, religious, gender or other grounds, that are universally recognized as impermissible, but that are perpetrated in a country where the citizens are the victims of genocide or war crimes in terms of international law;
- enforced disappearance of persons;
- the crime of apartheid;
- other inhumane acts of a similar character, intentionally causing great suffering, or serious injury to body, or to mental or physical health.

3.7.3 War Crimes

According to the United Nations (2009c: 17), war crimes refer to grave breaches of the Geneva Conventions adopted on 12 August 1949, that includes the following

acts against persons or property protected under the provisions of the relevant Geneva Convention:

- wilful killing;
- torture or inhumane treatment, including biological experiments;
- wilfully causing great suffering or serious bodily injury or health of another person;
- extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- wilfully depriving a prisoner of war or other protected person of the rights of a fair and regular trial;
- unlawful deportation or transfer or unlawful confinement;
- taking of hostages.

Article 8(2)(b) of the International Criminal Court Statute states that other serious violations of the laws and customs applicable in international armed conflicts, within the established framework of international law, such as intentionally directing attacks against the civilian population as such, or against individual civilians not taking direct part in hostilities, also constitute war crimes.

3.8 INVESTIGATION OF CRIMINAL ACTIVITIES

In addition to the above-stated functions and responsibilities, the UNPOL Division has a duty to conduct criminal investigations within the host country's borders. According to the United Nations (2009c), the UNPOL, while carrying out these functions, are expected to adhere to the following rights of individuals:

- the right to privacy of all persons;
- rights of persons charged with a criminal offence;
- the right to liberty and freedom of movement;
- rights of persons under arrest;
- rights of detained persons and imprisoned persons;
- the rights of the accused;
- the right to medical treatment;
- the right to communication.

3.9 PREVENTION OF EXTRALEGAL, ARBITRARY AND SUMMARY EXECUTIONS

All extralegal, arbitrary and summary executions are prohibited. No exceptional circumstances may be invoked to justify extralegal, arbitrary or summary executions, including a state of war or threat of war, internal political instability or any other public emergency. Extralegal, arbitrary and summary executions may not be carried out under any circumstances, including, but not limited to, situations of armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity, or by persons acting at the instigation or with the consent or acquiescence of such person, and situations in which death occurs in custody (United Nations, 2009c: 53).

Orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extralegal, arbitrary or summary execution are prohibited and may not be invoked as a justification. UNPOL and other law enforcement officials have the right and duty to defy such orders. There must be a thorough, prompt and impartial investigation of all suspected cases of extralegal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death (United Nations, 2009c: 54).

An investigation into an extralegal, arbitrary or summary execution must seek to determine the cause, manner and time of death and the person responsible, and any pattern or practice which may have brought about this death. It must include an adequate autopsy and sufficient collection and analysis of physical and documentary evidence and statements of witnesses. Those investigating an extralegal, arbitrary or summary execution must have the power to obtain all information necessary for the inquiry, the necessary budgetary and technical resources for effective investigation, and the power to compel witnesses and police and other law enforcement officials who are allegedly involved to appear and testify (United Nations, 2009c: 54).

Families of the deceased and their legal representatives must be informed of, and have access to, any hearing as well as any information relevant to the investigation and must be entitled to present other evidence. The family has the right to insist that a medical or other qualified representative be present at the autopsy. When the

identity of a deceased person has been determined, a notification of death must be posted, and the family or relatives of the deceased must be informed immediately. The body of the deceased must be returned to the family upon completion of the investigation (United Nations, 2009c: 54).

An investigation into an extralegal, arbitrary or summary execution must produce a written report within a reasonable time. The report must be made public immediately. The host government must, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it. Persons identified by the investigation as having participated in an extralegal, arbitrary or summary execution must be brought to justice or must be extradited to another state to be brought to justice (United Nations, 2009c: 54).

3.10 MANDATE AND THE RESPONSIBILITY TO PROTECT CIVILIANS

The idea that the UN, acting through the Security Council, should intervene when civilian lives are threatened or being violated, came about in the late 1990s as a result of independent inquiries into the failure to prevent mass atrocity in countries such as Bosnia and Rwanda, to name a few (Bellamy, 2010: 156).

Bellamy (2010: 158) indicates that the UN's responsibility to protect first emerged in 2001 from the report of the International Commission on Intervention and State Sovereignty. The concept of protection has since been embraced by the UN. The mandate of the United Nations Civilian Police was to monitor the peace agreements and generate a report.

The world leaders affirmed their commitment to the responsibility to protect populations from genocide, ethnic cleansing, crimes against humanity and war crimes. The Security Council has since 1999 developed the practice of mandating peacekeepers to protect civilians under imminent threat of physical violence within the capabilities of the peacekeepers and their area of deployment. The civilian protection mandate was explicitly given to the UN mission in Sierra Leone (UNAMSIL) for the first time. There was an increasing trend in the operations that involved collaboration among two or more international institutions, most notably the

UN, AU, European Union (EU), and various bilateral partners. Since then, the peace operations in the DRC, Liberia, Cote d' Ivoire, Burundi, Sudan (Dafur), Central African Republic (CAR) and Chad have resulted in an almost identical formula aimed at protecting civilians (UN Human Rights Report, 2017: 192).

The Security Council's recognition of the importance of a civilian protection mandate is reflected explicitly, yet rather restrictively, in the reference to Chapter VII of the UN Charter of 1945, authorizing the use of armed force to protect civilians. Despite many positive developments and the recognition of its significance by the UN Security Council, continued operational difficulties and failures in the field have raised concerns over the lack of operational guidelines in relation to the civilian protection task. In 2009, the Security Council member States recognized the seriousness of this issue and the need for comprehensive operational guidance in the task and responsibilities of peacekeepers in the implementation of civilian protection mandates (United Nations, 2010: 66).

3.10.1 The Development of Civilian Protection Mandates

Peacekeepers have long been involved in operations with the mandate to enhance the security of civilians and support of human rights. The idea that peacekeepers should intervene to protect civilians when they are under threat of physical violence emerged in the aftermath of mass atrocities in Rwanda that the international community failed to prevent, despite the presence of the UN in the field. In 2000, the Brahimi Report went so far as to propose that peacekeepers who witness the violence against civilians should be presumed to be authorized to stop it within their means (Maritz, 2012).

The idea was put into practice when the Security Council established United Nations Mission in Sierra Leone and the DRC UN mission in the Congo. When the UN Secretary General proposed the deployment of a peacekeeping mission in Sierra Leone, it was envisaged to be a traditional peacekeeping operation, mandated to assist the Sierra Leone Government in creating the confidence and stability required for the smooth implementation of the peace process. The inclusion of this mandate was urged by the Canadian delegation, reflecting upon and being heavily influenced by the failure to protect the civilians from atrocities in Rwanda (Maritz, 2012). Other

states appear to have been more cautious towards the introduction of this new mandate of civilian protection. The United Kingdom (UK) delegate welcomed the mandate, stating that the mission should be prepared to act to defend civilians when and where it is able to do so. The Netherlands stressed that robust rules of engagement are indeed essential if the United Nations Mission in Sierra Leone is to fulfil its mandate and protect itself and civilians under threat (Willmot & Sheeran, 2013: 519).

Argentina regarded the protection of a civilian mandate of a peacekeeping operation as significant in that it introduces a new, fundamentally political, legal and moral dimension. Canada was the driving force behind the adoption of Resolution 1291 authorizing the UN mission in the Congo to protect civilians. Canada, along with Namibia and Uganda, urged that the mission's mandate should include clear and unequivocal provision for the protection of civilians under Chapter VII of the UN Charter of 1945. Other states provided no particular comment on the civilian protection mandate. Since then, the practice has developed to include the civilian protection mandate in peacekeeping missions, without as much deliberation as was the case in establishing the UN operation in Cote d'Ivoire and the mission in Sudan (Holt & Taylor, 2009: 321).

3.10.2 Civilian Protection and the Responsibility to Prevent Conflict

When the concept of the responsibility to protect was born in 2001, it was envisaged to include the responsibility to prevent and react to conflict. Despite the recognition that prevention is the single most important dimension of the responsibility to protect, prevention has been the most neglected aspect. This is particularly so in terms of what the international community is expected to do to fulfil the responsibility to prevent conflict. According to Holt and Taylor (2009: 355), in cases of peacekeeping missions, the protection is already embodied in the civilian protection mandate, and the international community's responsibility to prevent conflict can be executed with a greater focus. Under the civilian protection mandate, peacekeepers will be able to collect intelligence, signal early warnings and foster confidence-building between warring parties. In the 2009 aide-memoire on the protection of civilians in armed conflict, issued by the President of the Security Council, it was suggested that the protection of civilians be prioritized in decisions about the use of information and

intelligence resources. Often acting under Chapter VII of the UN Charter of 1945, they are also authorized to use armed force to protect civilians before violence escalates into a mass atrocity.

While the concept of robust peacekeeping has been variably understood, peacekeeping missions that are authorized to use armed force in order to protect civilians can be characterized as robust peacekeeping, in the sense that it indicates the readiness to use force at a tactical level. Due to the United Nations' (2009b: 5) emphasis on the robust nature of peacekeeping missions deployed under Chapter VII of the UN Charter of 1945, peacekeepers may well find it justifiable to depart from the traditional notion of impartiality when national authorities are manifestly failing to protect their own civilians. At an operational level, challenges are posed to field commanders on exactly when and under what circumstances peacekeepers are required to act to prevent mass atrocities. A subsequent, maybe contradictory decision may prevent field commanders from taking prompt and decisive action required to suppress violence from escalating to mass atrocities. On the other hand, the liberal approach, i.e. that the field commanders can use their discretion when atrocities can be prevented, could be viewed as a blanket statement that is aimed at usurping the responsibilities of the host country. Peacekeepers operating on the borderline between prevention and reaction face a dilemma arising from competing mandates, standards of action and ethical considerations. Those considerations cast doubt on how effectively peacekeepers can fulfil their obligation to protect civilians if they simply focus on responding to actual or potential mass atrocities by using armed force (United Nations, 2009b: 8).

In the operational prevention phase, the obligation to protect civilians can be better implemented by proactively engaging in various measures to facilitate the creation of a secure environment where peacekeepers can maximize their capabilities in information gathering, analysis and operational manoeuvres. The establishment of protected zones, for example, can be seen as an effective measure to implement the responsibility to prevent mass atrocities. This will be evident when the peacekeepers escort the locals to fetch water or wood and members of the military are also present to ensure that the locals do not go beyond the protected zones (United Nations, 2009b: 11).

The protected zones are ineffective as a measure for the protection of civilians in the absence of sufficient political will and military capabilities. However, lessons should be learned that failure to sufficiently safeguard the protected zones could minimize the potential safety of those zones, which are intended to be a means of honouring the obligation to protect civilians from the effects of attacks (United Nations, 2009b: 13).

3.10.3 Civilian Protection and the Responsibility to React

The responsibility to react as part of enforcement measures includes both military and non-military actions. It is recognized that the responsibility to react has been prompted by the traditional reference to humanitarian intervention. It encompasses a wide range of non-coercive measures and non-violent response measures. Due to a lack of operational definition, civilian protection assigned to peacekeepers could range from physical protection to providing political and institutional stability, securing humanitarian assistance and deterring and addressing human rights abuses, which may require the arrest of war criminals (Holt & Taylor, 2009: 57). The responsibility to react may sometimes interfere or clash with the mandate of protecting the civilians in the sense that the peacekeepers, if told that they have a responsibility to react, might misuse their powers and react even when there is no need.

Although different ideas have been expressed about the scope of the responsibility to protect concept, the consensus among world leaders at the 2005 World Summit was that the responsibility to protect would apply only in relation to four types of mass atrocities, namely: genocide, ethnic cleansing, crimes against humanity and war crimes. The United Nations Department of Peacekeeping Operations came up with a new partnership agenda to identify the need for the UN to take the lead in consultation with troop-contributing states to develop practical guidance with regard to options and the civilian protection mandate in order to protect civilians (Rotberg, 2010: 108).

The history of peacekeeping shows that peacekeeping troops tend to be under-resourced and in some instances this may render them ill-equipped to carry out their civilian protection tasks. The limited resources of the military are arguably better utilized by reserving their civilian protection task for the case of mass atrocity crimes, thereby leaving non-military contingents, such as the civilian police with the role of filling the gap in protecting civilians against violence. This approach is clearly distinguishable from an idea of robust peacekeeping, in that it does not call for the proactive use of armed force in an early phase of violence, or an increased number of troops and military resources available to peacekeepers. A reasonable prospect of success is not a fixed factor but is influenced by peacekeepers making efforts to maximize their potential capabilities to prevent and respond to the rise of atrocities. It is important to ensure that what peacekeepers can do under a civilian protection mandate, matches what peacekeepers ought to do to implement the responsibility to protect by maximizing the prospect of success of civilian protection operations by means of the well-planned allocation of resources (United Nations Peacekeeping, 2017a).

3.11 PROTECTION SERVICES

There are various groups of individuals that are being provided with protection services and these groups of individuals include victims, witnesses, child victims and their witnesses, children in conflict with the law, refugees and internally displaced persons.

3.11.1 Protection of Victims

Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal law that is valid within member states (United Nations, 2009c: 54). Victims must be treated with compassion and respect for their dignity. They are entitled access to mechanisms for justice and to prompt redress for the harm they have suffered. Victims must be informed of their rights to seek redress through such mechanisms. They must be informed of their role and the scope, timing and progress of the proceedings and of the disposition of their cases. They must be allowed to

present and have their views and concerns considered at appropriate stages of the proceedings (United Nations Peacekeeping, 2017a).

In particular, victims of torture or cruel, inhumane or degrading treatment must have access to any hearing and must be entitled to present evidence. They must receive the necessary material, medical, psychological and social assistance and must be informed of the availability of health and social services and other relevant assistance (United Nations Peacekeeping, 2017a).

3.11.2 Protection of Witnesses

Measures must be taken to ensure effective protection of people who are in danger because of their participation in criminal proceedings, including witnesses, victims who are witnesses, and expert witnesses (Law enforcement and prosecution, 2016: 251). Measures may also be taken, as appropriate, for the protection of their relatives and other persons close to them. According to Law enforcement and prosecution (2016: 253), measures to protect a witness may include:

- Establishing procedures for the physical protection of witnesses, their relatives or other persons close to them, such as relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;
- Providing evidentiary rules that permit witness testimony to be given in a manner that ensures the safety of a witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.

3.11.3 Protection of Child Victims and Witnesses

Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. In order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner. The age of the child should not be a barrier for his/her right to participate

fully in the justice process and police officers working with children and witnesses should be given adequate training and information in order to deal with them efficiently (United Nations, 2009c: 63).

All interactions with a child victim or witness should be conducted in a child-sensitive and empathetic manner in a suitable environment that accommodates the special needs of the child. They should also take place in a language that the child uses and understands. Taking into consideration that every child has the right to be treated as a capable witness and their testimony presumed credible at the trial, unless proven otherwise (United Nations, 2009c: 63).

3.11.4 Protection of Children in Conflict with the Law

Children in conflict with the law are entitled to the same human rights protection as adults in criminal proceedings. In addition, by reason of their physical and mental immaturity, children need special safeguards and care. Consideration must be given, wherever appropriate, to dealing with children in conflict with the law without resorting to formal trial. The criminal justice system must promote the physical and mental well-being of the child and must ensure that any reaction to children in conflict with the law will always be in proportion to the circumstances of both the child and the criminal offence. The records of the children in conflict with the law should be placed in confidential files that could only be accessed by authorized persons (United Nations, 2009c: 67).

3.11.5 Protection of Refugees and Internally Displaced Persons

A refugee is a person who is outside his or her country of nationality (or a person who does not have a nationality), who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion and is unable to or owing to such fear, unwilling to avail himself or herself of the protection of that country (United Nations, 2009c: 71). According to the United Nations, 2009c: 71), all persons have the right to seek and enjoy asylum, free from persecution, in other states. The protection usually available to refugees do not apply to any person in respect of whom there are serious reasons for considering that he or she has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments, drawn up to make provision in

respect of such crimes, or has committed a serious non-political crime outside the country of refuge, prior to his or her admission to that country as a refugee, or has been guilty of acts contrary to the purposes and principles of the UN. There are various legal prescripts that govern the protection of refugees and Internally Displaced Persons (IDPs). These include the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, as stipulated in Article 49, and the Rome Statute Article 7(1) (d) of 2002. There are also a number of protection challenges confronting the refugees, including the following (United Nations, 2009c: 84):

a. Increasing use of forced displacement as an objective of conflict:

Loescher (2008: 50) mentions that in the 1990s, forced displacement increasingly became a strategy for taking control over a territory. The increasing use of forced displacement as an objective of conflict, rather than a consequence of conflict, reflects the fact that intra-state conflict has replaced interstate conflict as the dominant form of conflict. The aim of this new form of war is to control the population and territory by killing or expelling those of different ethnic, religion or political identities. This poses a major challenge to the international community in the following three ways: Firstly, because acts of displacement become facts of mass atrocity. Secondly, the granting of asylum to the victims of such atrocities is not available, leading to greater numbers of displaced persons. Thirdly, the decline of asylum has gone hand-in-hand with a shift from the protection offered by states to the less effective in-country aid and assistance offered by humanitarian organizations.

b. The nexus between forced displacement and mass atrocities:

The commission of international crimes as a means of forced displacement is a disturbing feature of modern warfare, involving the use of torture, murder, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, deliberate military attacks or threats of attacks on civilian areas and destruction of property. As a matter of international law, forced displacement, forcible transfer and deportation, can themselves amount to a breach of international humanitarian law in terms of Article 49 of the Geneva Convention of 1949 (United Nations, 1950). Article 7 of the Rome Statute of 2002 further

mentions that forced displacement could end up in mass atrocities, such as crimes against humanity, war crimes and genocide, if the displacement is intended to destroy the group.

c. The decline of protection and failing international solidarity and burden-sharing:

Forced displacement as an objective of conflict has increased, as opposed to the protection available to refugees. The Convention Relating to the Status of Refugees of 1951 encapsulates a kind of collective surrogacy that has its origin in earlier international efforts to protect national minorities and aliens. The Convention's decentralized structure means governments themselves remain responsible to ensure that refugees are treated as the Convention requires. The protection of refugees in situations of mass influx, which calls for a collective response, is dependent on international solidarity and the ability of the United Nations High Commissioner of Refugees to broker temporary protection or settlement packages on a case-by-case basis. Furthermore, Loescher (2008: 47) mentions that developed countries have deliberately reduced access to their territory for asylum-seekers through tighter immigration controls to keep refugee situations at arm's length. Developing countries in Africa are responding by adopting restrictive asylum policies, which they justify in part by reference to the precedents established in the developed world, but which result in a greater number of IDPs unable to access protection outside their country of origin. These developments further highlight the gaps in the oversight and compliance provisions of the Refugee Convention.

d. In-country protection replacing external protection: Developed states have also championed policies that have the effect of containing refugees in their countries of origin by averting refugee flows, ensuring speedy repatriation, assisting IDPs and providing emergency aid in-country. The UN deployed an array of humanitarian tools that coincided with this trend, including the granting of temporary protection rather than permanent asylum. The United Nations High Commissioner of Refugees in particular took the lead in providing humanitarian assistance in countries of refugee origin, often in the middle of intra-state conflicts and began to seriously promote policies

focused on preventive protection, the right to remain, and the early return of refugees to their country of origin (Loescher, 2008: 49).

This was promoted by the willingness of the international community to intervene in the internal affairs of sovereign states on humanitarian grounds, including where internal conflicts caused refugee flows. The Security Council in the post-cold war period was prepared to be more assertive in characterizing refugee flows as a threat to regional and international security and thus justification for action under Chapter VII of the UN Charter of 1945.

During this time, the Security Council emerged as a key proponent of addressing crises leading to displacement at or near the source. It became evident by the mid-1990s that the new in-country protection practices were ad hoc, reactive, self-interested, ineffective and failed to tackle the root causes of conflict. Loescher (2008: 56) suggests that in many instances, governments use humanitarian relief as a substitute for political action to address the root causes of mass displacement. The United Nations High Commissioner for Refugees is also alleged to have compromised its function, by being a willing tool for the containment policies of its major donors. Today the debate has shifted to IDPs. This is because of the rise of intra-state conflict that led to greater numbers of IDPs in contrast to refugees, who can theoretically seek protection in another country. IDPs are often dependent on receiving protection from their own government, which may be unable or unwilling to offer protection, especially where government policy is the cause of their displacement.

The United Nations High Commissioner for Refugees argues that the interests of states continue to be best served through a collective commitment to dealing with refugee flows in a humane and orderly way, which entails greater respect for international refugee law. At the same time, the fact remains that not all people can leave their countries. It is suggested that states should be encouraged to respect their obligations towards IDPs alongside other victims of human rights abuses. The challenge is to pursue this objective while at the same time preserving and fostering greater respect for the distinctive rights of refugees, including access to protection (Loescher, 2008: 56).

3.12 CONCLUSION

Police personnel play a vital and expanding role in UN peace operations. Their responsibilities have grown from merely monitoring host nation police forces, to reforming, restructuring and rebuilding police forces decimated or discredited by war. Where no effective local police capacity exists, UNPOL have assumed primary responsibility for maintaining law and order. Across all missions, they play diverse and critical roles in the effort to (re-)establish the rule of law in states attempting to transition from war to a peace that produces safe and stable societies.

The growing demand for international police and the increasing complexity of their assigned tasks stem from the recognition of two aspects: (i) that the rule of law is fundamental to lasting and self-sustaining peace, and (ii) that competent, professional police – international and domestic – are essential to the rule of law. Today, UNPOL not only support post-conflict public security, but usually are involved in building the required local capacity. Yet this recognition of the importance of the rule of law and of UNPOL has not translated into the necessary deployable capacity.

It must be recognized that the responsibility of peacekeepers to protect those affected by remnants of conflict in their countries, cannot address the root causes of displacement, but only give protection when it is so required. Strategies that seek to address the root causes should be pursued. Asylum must be preserved as a form of protection for persons fleeing mass atrocities. The displacement of people intra-state is now on the increase, since most states are blocking entrance into their countries. The responsibility of protecting refugees and IDPs requires appropriate planning by the UN and the international community. The next chapter is going to focus on various mandates that govern peacekeeping operations.

CHAPTER 4: PEACEKEEPING BODIES AND THE LEGISLATIVE FRAMEWORK IN PEACEKEEPING

4.1 INTRODUCTION

For over 40 years, UN peacekeeping missions have included police components. Their roles, however, have changed substantially over time. Drawn from contributions by its member states, the UN has deployed police in more than 30 peacekeeping operations and assigned them a broad range of tasks related to public security and institution building. The UNPOL Division within the Department of Peacekeeping Operations plans and manages police activities, in accordance with mandates created by the Security Council. UNPOL contingents in the field have had to carry out these increasingly ambitious mandates.

At the same time, the Department of Peacekeeping Operations has struggled to enlist member states support and resources, in particular well-qualified personnel. Until recently, planners and donors often treated policing as an afterthought for missions, focusing instead on the military aspects of peacekeeping. There are reasons for this lack of enthusiasm, such as the nature of the UN's work in reforming, restructuring and creating local police forces, which is a long-term process that often runs counter to the desire for a relatively short lifespan for most peacekeeping missions and the attention of the international community. That long-term work has, moreover, increasingly been supplemented by mandates requiring early and forceful international policing presence, intended to complement or, on occasion, substitute for local police.

The face of peacekeeping has changed from what is commonly known as traditional peacekeeping to multidimensional in nature. The reason for this change is because the conflict taking place currently, is no more than that of one country against another country, but mostly intra-state. The mandate for peacekeeping emanates from the UN and is at times devolved to continental bodies such as the Regional Economic Communities like the AU.

The focus in this chapter will be on how the evolution of the League of Nations to the UN and the change of the OAU to the AU affect the legal mandate of peacekeeping, as well as the possible challenges that this impose to peacekeeping. The peacekeeping mandate is also influenced by the Regional Economic Communities, as well as the national legal framework. The legal mandate is an enabler within which the effectiveness or ineffectiveness of peacekeeping operations could be attributed to.

4.2 PRINCIPLES OF PEACEKEEPING

According to the United Nations (2008a: 30), there are six basic principles of peacekeeping that must be adhered to and these principles include: (a) consent of the parties, (b) impartiality, (c) non-use of force except in self-defence and the defence of the mandate, (d) legitimacy, (e) credibility and (f) promotion of national and local ownership.

4.2.1 Consent of the Parties

UN peacekeeping operations are deployed with the consent of the main parties to the conflict. This requires a commitment to a political process and the acceptance of a peacekeeping operation, mandated to support that process. The consent of the main parties provides UN peacekeeping operations with the necessary freedom of action, both political and physical, to carry out its mandated tasks. In the absence of such consent, a UN peacekeeping operation risks becoming a party to the conflict and being drawn towards enforcement action, away from its intrinsic role of keeping the peace, thus impeding the role of the police of building the Criminal Justice System of the host nation. In the implementation of its mandate, the UN peacekeeping operation must work continuously, to ensure that it does not lose the consent of the main parties, while ensuring that the peace process moves forward. This requires that all peacekeeping personnel must have a thorough understanding of the history prevailing customs and culture in the mission area, as well as the capacity to assess the evolving interests and motivation of the parties. The absence of trust between the parties in a post-conflict environment can at times make consent uncertain and unreliable (United Nations, 2008a: 31).

Consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process. For instance, a party that has given its consent to the deployment of a UN peacekeeping operation may subsequently seek to restrict the operation's freedom of action, resulting in a *de facto* withdrawal of consent (United Nations, 2008a: 32). The fact that the main parties have given their consent to the deployment of a UN peacekeeping operation does not necessarily imply that there will also be consent at the local level, particularly if the main parties are internally divided or have weak command and control systems. Universality of consent becomes even less probable in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers of peace (United Nations, 2008a: 32). The peacekeeping operation should continuously analyse its operating environment to detect any wavering of consent. It must also have the political and analytical skills, the operational resources and the will to manage situations where there is an absence or breakdown of local consent. Taking into account that policing is one facet of peacekeeping machineries whose success is highly predicated on the cooperation and collaboration of the local community.

4.2.2 Impartiality

United Nations (2008a: 33) states that UN peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and cooperation of the main parties but should not be confused with neutrality. The UN peacekeeping should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate. The need for even-handedness towards the parties, should not become an excuse for inaction in the face of the behaviour that clearly works against the peace process.

Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by parties that violate the undertaking of the peace process or the international norms and principles that a UN peacekeeping operation upholds. A mission should not shy away from a rigorous application of the principle of impartiality for fear of misinterpretation, but before acting it is always prudent to ensure that the grounds for acting are well established and can be clearly communicated to all. Failure to do so may undermine the peacekeeping operation's

credibility and legitimacy and may lead to withdrawal of consent by one or more of the parties. Where the peacekeeping operation is required to counter breaches, it must do so with transparency, openness and effective communication with regard to the rationale and appropriate nature of its response. This will help minimize the opportunities to manipulate the perceptions against the mission and help to mitigate the potential backlash from parties and their supporters. Even the best and fairest of referees should anticipate criticism from those affected negatively and should be in a position to explain their actions (United Nations, 2008a: 34).

4.2.3 Non-use of Force except in Self-defence and the Defence of the Mandate

The principle of non-use of force, except in self-defence, dates back to the first deployment of armed UN peacekeepers in 1956. The notion of self-defence has subsequently come to include resistance to attempts by forceful means, to prevent the peacekeeping operations from discharging its duties under the mandate of the Security Council. UN peacekeeping operations are not an enforcement tool. However, it is widely understood that they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defence and defence of the mandate. The environment into which UN peacekeeping operations are deployed is often characterized by the presence of militias, criminal gangs and other spoilers who may actively seek to undermine the peace process, or pose a threat to the civilian population. In such situations, the Security Council has given the UN peacekeeping operations robust mandates to disrupt the political process, to protect civilians under imminent threat of physical attack and assist the national authorities in maintaining law and order (United Nations Department of Peacekeeping Operations, 2010: 34).

Robust peacekeeping involves the use of force at the tactical level, with the authorization of the Security Council and consent of the host nation and the main parties to the conflict. By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for member states under article 2(4) of the UN's Charter of 1945, unless authorized by the Security Council. A UN peacekeeping operation should only use force as a measure of last resort, when other methods of persuasion have been exhausted. The ultimate aim of the use of

force, is to influence and deter spoilers of peace. The use of force by a UN peacekeeping operation should regularly be adjusted and always executed in a precise, proportional and appropriate manner within the principle of the minimum force necessary to achieve the desired effect, while adhering to the restrictions of the consent given for the mission and its mandate (United Nations Peacekeeping, 2017b).

The United Nations Peacekeeping (2017b), states that the use of force by UN peacekeeping operations always has political implications and can give rise to unforeseen circumstances. Judgement concerning its use will have to be made at the appropriate level within a mission, based on a combination of factors, including mission capability, public perceptions, humanitarian impact, force protection, safety and security of personnel and most importantly, the effect that such action will have on national and local consent for the mission.

The United Nations Peacekeeping (2017b), states that the mission-wide Rules of Engagement for the military and the Directives on the Use of Force for the police component of the UN peacekeeping operation, will clarify the different levels of force that can be used in various circumstances, how each level of force should be used and any authorization that must be obtained by commanders. In the volatile and potentially dangerous environments into which contemporary peacekeeping operations are often deployed, these Rules of Engagement and Directives on the Use of Force should be sufficiently robust to ensure that the UN peacekeeping operation retains its credibility and freedom of action to implement its mandate. The mission leadership should, at all times, ensure that the Rules of Engagement and the Directives on the Use of Force, are well explained, understood by the relevant personnel in the mission and are applied uniformly by all members.

4.2.4 Legitimacy

According to the United Nations (2008b: 764), international legitimacy is one of the most important assets of a UN peacekeeping operation. The international legitimacy of a UN peacekeeping operation is derived from the fact that it is established after obtaining a mandate from the UN Security Council, which has primary responsibility for the maintenance of international peace and security. The manner in which a UN

peacekeeping operation conducts itself may have a profound impact on its perceived legitimacy on the ground. This perceived legitimacy of the UN peacekeeping operation is directly related to the quality and conduct of its military, police and civilian personnel. The mission's leadership must ensure that all personnel are fully aware of the standards of conduct that are expected of them and that effective measures are in place to prevent misconduct.

Once members have been identified as being involved in criminal activities, the UN has the prerogative of repatriating the involved members to the troop-contributing country or the member/s' country of origin. Cases of misconduct must be dealt with firmly to avoid undermining the legitimacy and authority of the mission, apart from the reputation of the country (United Nations, 2008b: 766).

Members of peacekeeping missions must always be aware of and respect national sovereignty. As legitimate and capable structures emerge, the role of the international actors may well have to diminish quickly. They should seek to promote national and local ownership, be aware of emerging local capacities, and be sensitive to the effect that the behaviour and conduct of the mission have upon the local population (United Nations, 2008b: 766).

4.2.5 Credibility

UN peacekeeping operations are frequently deployed in volatile, highly stressed environments characterized by the collapse of state structures, as well as violence and lawlessness. Insecurity may still be prevalent at local levels, and opportunists will be present who are willing to exploit any political and security vacuum. In such environments, a UN peacekeeping operation is likely to be tested for weakness and division by those whose interests are threatened by its presence, particularly in the early stages of deployment. The credibility of a UN peacekeeping operation is a direct reflection of the international and local communities' belief in the mission's ability to achieve its mandate. Credibility is a function of a mission's capability, effectiveness and ability to manage and meet expectations. In order to be credible, the UN peacekeeping operation must be deployed as rapidly as possible, be properly resourced, and strive to maintain a confident, capable and unified posture. Experience has shown that the early establishment of a credible presence can help

to deter spoilers and diminish the likelihood that a mission will have to use force to implement its mandate. To achieve and maintain its credibility, a mission must have a clear and deliverable mandate with resources and capabilities to match the challenges, as well as a sound mission plan that is understood and effectively implemented at every level (Trenkov-Wermuth, 2010: 152).

Trenkov-Wermuth (2010: 177) states that the deployment of a UN operation generate high expectations among the local population regarding the ability of the UN to meet the most pressing needs of the population. The ability to manage these expectations throughout the life of a peacekeeping operation affects the overall credibility of the mission. Credibility lost is very hard to regain. A mission with low credibility becomes marginalized and ineffective. Its activities may begin to be perceived as having a weak or frayed legitimacy and consent may be eroded. Critics and opponents of the mission may well exploit any such opportunities to their own advantages. The loss of credibility may also have a direct impact on the morale of the mission personnel, further eroding its effectiveness. The maintenance of credibility is fundamental to the success of the mission.

4.2.6 Promotion of National and Local Ownership

Multidimensional UN peacekeeping operations are increasingly involved in efforts to help countries emerging from protracted internal conflict to rebuild the foundations of a functioning state. In some instances, the state and local capacity may be so weak that the mission is required to temporarily assume certain functions, either directly as in the case of transitional administration, or in support of the state. The researcher, states that SAPS members were deployed in South Sudan under the multi-dimensional mandate of the UN to assist in building the formal foundations of the functioning of the police. The nature and scale of a particular UN peacekeeping operation's role depends on its mandate, the gravity of the situation on the ground, the resources the international community is willing to invest, and assessment of the availability of capable, credible and legitimate partners within the host nation. In planning and executing a UN peacekeeping operation's core activities, every effort should be made to promote national and local ownership, and to foster trust and cooperation between national actors. Partnership with national actors should be struck with due regard to impartiality, wide representation, inclusiveness and gender

considerations. National and local ownership must begin with a strong understanding of national context. In building national capacity, women and men should have equal opportunities for training, and targeted efforts may be needed to address gender inequalities (Trenkov-Wermuth, 2010: 87).

4.3 TYPES OF PEACEKEEPING OPERATIONS

Peacekeeping has been evolving since its inception in 1948. During the cold war era, conflicts were interstate in nature, and the parties to the conflict were clearly identifiable. According to Ramesh (2012: 351), the goal of traditional peacekeeping missions was to promote international stability and support peaceful change outside the axis of great power rivalry. The principle of consent of the parties to the conflict to allow an international force to intervene in bringing peace to the warring parties has since been in place during classic peacekeeping. However, since the end of the cold war, conflicts started to become intra-state in nature, and this implied the need for a serious change in the approaches that were used by the UN and other regional organizations in addressing the conflicts that took place during the cold war period. The number of UN operations increased dramatically after the end of the cold war, as the UN was placed at the centre of resolving outstanding conflicts (Ramesh, 2012: 353).

4.3.1 Peacekeeping that is Limited to Observation, Monitoring and Reporting

Chapter VI of the UN Charter of 1945 on peacekeeping, deals with specific measures that can be taken with the consent of the belligerents. The objective being to create an environment conducive to peaceful conflict resolution (Kenkel, 2013: 125). According to Article 33(1) of the UN Charter of 1945, these measures include negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resorting to regional agencies or arrangements. Under this chapter, peacekeepers are given a limited mandate to perform their duties. They are restricted to observation, monitoring, reporting and advising, as required by the mandate prescribed by the UN under this Chapter.

4.3.2 Multidimensional or Complex Enforcement of Peace

Chapter VII of the UN Charter of 1945 on the subject of peace enforcement entails a broad variety of actions that can be taken to enforce peace, including the use of force. Under this mandate, no consent is required for the implementation of a mission and the police are armed and given full responsibility for law enforcement. On the other hand, the military is not restricted to only offering protection to civilians, but the members are authorized to use force to separate parties to the conflict and also assist in law enforcement. This is to avoid the Rwandan situation where major issues with both impartiality and the non-use of force, led to the genocide where the United Nations Assistance Mission for Rwanda was not permitted to use force (Kenkel, 2013: 130).

4.4 THE LEVELS AT WHICH PEACEKEEPING MANDATES ORIGINATE

Legitimacy is the most important asset of a peacekeeping operation. The United Nations Peacekeeping (2017b) states that the lack of legitimacy undermine the peacekeeping operation's credibility and may lead to a withdrawal of consent from one or more parties. The peacekeepers must understand legitimacy to avoid making mistakes in the mission area, as outlined by the UN, AU, Regional Economic Communities and the National Legal Framework.

4.4.1 The United Nations

According to Walters (2011: 273), the UN came into existence because of the failure of the League of Nations to prevent the Second World War. The League was established in 1919 and it ceased to exist in 1945, after the Second World War.

4.4.1.1 The history of the League of Nations

The League of Nations was founded immediately after the First World War. It consisted of 42 countries, 26 of which were non-European countries. The League was created because a number of people in France, South Africa, the UK and the US believed that a world organization of nations could keep the peace and prevent a repetition of the horrors of the First World War (Walters 2011: 274).

An effective world body now seemed possible, because communications had improved and there was an increase of cooperation within international organizations. Coordination and cooperation for economic and social progress were also becoming very important. The League had two basic aims. Firstly, it sought to preserve the peace through collective action and refer disputes to the League's Council for arbitration and conciliation. If necessary, economic and then military sanctions could be used. In other words, members undertook action to defend other members against aggression. Secondly, the League aimed to promote international cooperation in economic and social affairs (United Nations Publications, 2000: 3).

4.4.1.2 The organization of the League of Nations

According to the United Nations Publications (2000: 5), the League of Nations was based in Geneva, Switzerland. This choice was natural, as Switzerland was a neutral country and had not fought in World War I. If a dispute did occur, the League, under its Covenant, could carry out the following three mandates, better known as sanctions (United Nations Publications, 2000: 5):

- (a) At first it requested that the states in dispute discuss the problem in an orderly and peaceful manner. This would be done in the League's Assembly – which was essentially the League's parliament, which would listen to disputes and come to a decision on how to proceed. If one nation was seen to be the offender, the League could introduce verbal sanctions, such as warning that an aggressor nation would need to leave another nation's territory or face the consequences.
- (b) If the states in dispute failed to comply with the Assembly's decision, the League could introduce economic sanctions arranged by the League's Council. The purpose of this sanction was to hurt financially and economically the aggressor nation so that it would have to do as the League required.
- (c) If this failed, the League could introduce physical sanctions, specifically that military force would be used to enforce the League's decision. However, the

League did not have a military force at its disposal and no member of the League had to provide one. Therefore, it could not carry out any threats and any country defying its authority would have been very aware of this weakness.

Germany was not allowed to join the League in 1919. As Germany had started the war, according to the Treaty of Versailles, one of its punishments was that it was not considered to be a member of the international community and, therefore, not invited to join. This was a great strike for Germany but it also meant that the League could not use whatever strength Germany had to support its campaign against aggressor nations. Russia was also not allowed to join, because in 1917 it had a communist government that generated fear in Western Europe. Also, in 1918, the Russian royal family, the Romanovs, were murdered. The two most powerful members of the League were Britain and France and both had suffered financially and militarily during the war. Furthermore, neither was enthusiastic to get involved in disputes that did not affect Western Europe. Therefore, the League had a final goal: to end the war for good. However, if an aggressor nation was determined enough to ignore the League's verbal warnings, all the League could do was enforce economic sanctions and hope that these worked, as it had no chance of enforcing its decisions by using military strength (United Nations Publications, 2000: 6).

4.4.1.3 Successes and failures of the League of Nations

According to Walters (2011: 273), the League quickly proved its value by settling the Swedish-Finnish dispute over the Åland Islands (1920–21), guaranteeing the security of Albania (1921), rescuing Austria from economic disaster, settling the division of Upper Silesia (1922), and preventing the outbreak of war in the Balkans between Greece and Bulgaria (1925). In addition, the League extended considerable aid to refugees, helped to suppress white slave and opium traffic, pioneered work in surveys of health, extended financial aid to needy states, and furthered international cooperation in labour relations and many other fields. The problem of bringing its political influence to bear, especially on the great powers, soon made itself felt. Poland refused to abide by the League's decision in the Vilnius dispute, and the League was forced to stand by powerlessly in the face of the French occupation of the Ruhr (1923) and Italy's occupation of Kérkira (1923). Failure to take action over

the Japanese invasion of Manchuria (1931) was a blow to the League's prestige, especially when followed by Japan's withdrawal from the League (1933).

Another serious failure was the inability of the League to stop the Chaco War (1932–1935) between Bolivia and Paraguay. Also, it did not work in the Disarmament Conference, with Germany's withdrawal from the League (1933), and Italy's successful attack on Ethiopia. In 1936, Adolf Hitler remilitarized the Rhineland and denounced the Treaty of Versailles; in 1938, he seized Austria. Faced by threats to international peace from all sides – the Spanish civil war, Japan's resumption of war against China (1937), and finally the appeasement of Hitler at Munich (1938) – the League collapsed. The last important act of the League came in December 1939, when it expelled the United Soviet Socialist Republic for its attack on Finland. In 1946, the League dissolved itself, and its services and real estate (notably the Palais des Nations in Geneva), were transferred to the UN. Its failures were due to the indifference of the great powers, which preferred to reserve important matters for their own decisions and that led to the weaknesses of the organization (Walters, 2011: 274).

















The League of Nations was created as an emergency solution to prevent the world from repeating the horrors of World War I. It was created in such a rash way, that it was not objective enough, therefore it had too many flaws which, in the end, sank the project. The League of Nations can be seen as a rough draft of what we now know as the UN, an organization that devotes itself to ensuring that peace reigns between countries (Walters, 2011: 275).

4.4.1.4 The United Nations Charter

de Rover (1998: 70), states that even as the Second World War raged, the leaders of Britain, China, the USA and the United Soviet Socialist Republic (USSR) were under intense pressure from the press and public to discuss the details of a post-war organization. In 1944, representatives of China, the UK, the USA and the USSR, met at Dumbarton Oaks in Washington DC and prepared a blueprint for an international organization. Towards the end of the war, representatives of 50 countries gathered in San Francisco between April and June 1945, to hammer out the final text that

would lay the foundations of international cooperation. This was the Charter of the United Nations, signed on 26 June 1945, by 50 countries. Poland, the 51st country, was not able to send a representative to the San Francisco conference, but is considered an original member. Therefore, the founding states of the United Nations are as reflected in table 1 below. Although the League was abandoned, most of its ideals and some of its structures were kept by the UN and outlined in its Charter. The ideals of peace, social and economic progress, remained the basic goals of the new world organization. However, these were developed to fit the new and more complex post-war world (de Rover, 1998: 70).

Table 1: Founding members of the United Nations

Country or State	Date of Joining the United Nations
 Argentina	24 Oct. 1945
 Australia	01 Nov. 1945
 Austria	14 Dec. 1955
 Belgium	27 Dec. 1945
 Bolivia	14 Nov. 1945
 Brazil	24 Oct. 1945
 Belarus (<i>formerly Byelorussia</i>)	24 Oct. 1945
 Canada	09 Nov. 1945
 Chile	24 Oct. 1945
 China	24 Oct. 1945
 Colombia	05 Nov. 1945
 Cuba	24 Oct. 1945
 Czech Republic	19 Jan. 1993
 Denmark	24 Oct. 1945
 Dominican Republic	24 Oct. 1945
 Ecuador	21 Dec. 1945

 Egypt	24 Oct. 1945
 El Salvador	24 Oct. 1945
 Ethiopia	13 Nov. 1945
 France	24 Oct. 1945
 Greece	25 Oct. 1945
 Guatemala	21 Nov. 1945
 Haiti	24 Oct. 1945
 Honduras	17 Dec. 1945
 India	30 Oct. 1945
 Iran (Islamic Republic of)	24 Oct. 1945
 Iraq	21 Dec. 1945
 Lebanon	24 Oct. 1945
 Liberia	02 Nov. 1945
 Libyan Arab Jamahiriya	14 Dec. 1955
 Luxembourg	24 Oct. 1945
 Mexico	07 Nov. 1945
 Netherlands	10 Dec. 1945
 New Zealand	24 Oct. 1945
 Nicaragua	24 Oct. 1945
 Norway	27 Nov. 1945
 Panama	13 Nov. 1945
 Paraguay	24 Oct. 1945
 Peru	31 Oct. 1945
 Philippines	24 Oct. 1945
 Poland	24 Oct. 1945
 Russian Federation	24 Oct. 1945
 Saudi Arabia	24 Oct. 1945

 South Africa	07 Nov. 1945
 Syrian Arab Republic	24 Oct. 1945
 Turkey	24 Oct. 1945
 Ukraine	24 Oct. 1945
 United Kingdom of Great Britain & Northern Ireland	24 Oct. 1945
 United States of America	24 Oct. 1945
 Uruguay	18 Dec. 1945
 Venezuela (Bolivarian Republic of)	15 Nov. 1945

Source: (UN Press Release, 2004)

4.4.1.5 The birth of the United Nations

The League of Nations ceased its activities after failing to prevent the Second World War. In 1945, as indicated above the representatives of 50 countries, met in San Francisco at the UN Conference on International Organization, to draw up the UN Charter. Those delegates deliberated, based on proposals worked out by the representatives of China, the Soviet Union, the UK and the USA, at Dumbarton Oaks, USA, in August to October 1944 as indicated above the Charter was signed on 26 June 1945 by the representatives of the 50 countries and Poland, which was not represented at the conference, signed it later and became one of the original 51 member states. The UN officially came into existence on 24 October 1945, after the Charter had been ratified by China, France, the Soviet Union, the UK, the USA and by a majority of other signatories (Walters, 2011: 275).

The purpose of the UN is to bring all nations of the world together to work for peace and development, based on the principles of justice, human dignity and the well-being of all people. It affords the opportunity for countries to balance global interdependence and national interests when addressing international problems. There are currently 193 members of the UN. They meet in a General Assembly, which is the closest thing to a world parliament. Each country, large or small, rich or poor, has a single vote; however, none of the decisions taken by the Assembly are

binding. Nevertheless, the Assembly's decisions become resolutions that carry the weight of world governmental opinion. The UN headquarters is in New York City, but the land and buildings are international territory (Walters, 2011: 275).

The UN has its own flag, its own post office and its own postage stamps. Six official languages are used at the UN, namely Arabic, Chinese, English, French, Russian and Spanish. The UN European headquarters is in the Palais des Nations, Geneva, Switzerland. It has offices in Vienna, Austria and Economic Commissions in Addis Ababa in Ethiopia, Amman in Jordan, Bangkok in Thailand and Santiago in Chile. The senior officer of the UN Secretariat is the Secretary-General (Walters, 2011: 276).

4.4.1.6 The structure of the United Nations

The structure of the UN includes the General Assembly, Security Council, Secretary General, Economic and Social Council, Trustee Council and International Criminal Justice (Walters, 2011: 280).

(a) The General Assembly

The Assembly holds annual general debates, where heads of state and governments and other high national officials gather to present their views about pressing world issues. The General Assembly is the main deliberative, policy-making and representative organ of the UN. Comprising all 193 members of the UN, it provides a unique forum for multilateral discussion of the full spectrum on international issues (Walters, 2011: 280).

(b) The Security Council

According to the Article 23 of Chapter V of the Charter of the United Nations of 1945, the Security Council has primarily the responsibility for the maintenance of international peace and security. It has 15 members and each member has one vote. Its composition is as follows: The Republic of China, France, Russia, Britain and the United States of America are permanent members of the Security Council. The General Assembly elects ten other Members of the United Nations to be non-

permanent members of the Security Council for two-year terms. Currently the countries mentioned below, are non-permanent members of the Security Council and the end date on which they will serve as such: (United Nations Security Council, 2018):

- I. Bolivia: Its period ends in 2018
- II. Côte d'Ivoire: Its period ends in 2019
- III. Equatorial Guinea: Its period ends in 2019
- IV. Ethiopia: Its period ends in 2018
- V. Kazakhstan: Its period ends in 2018
- VI. Kuwait: Its period ends in 2019
- VII. Netherlands: Its period ends in 2018
- VIII. Peru: Its period ends in 2019
- IX. Poland: Its period ends in 2019
- X. Sweden: Its period ends in 2018

The Security Council takes the lead in determining the existence of a threat to peace, or an act of aggression. It calls upon the parties, in the event of a dispute, to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force, to maintain or restore international peace and security. The Security Council also recommends, to the General Assembly, the appointment of the Secretary-General and the admission of new members to the UN. Together with the General Assembly, it elects the judges of the International Court of Justice (Article 23 of Chapter V of the Charter of the United Nations of 1945).

(c) The Secretary General

According to the Model United Nations (2016), the Secretary-General is appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term. The duties carried out by the Secretariat are as varied as the problems dealt with by the UN. These range from administering peacekeeping operations, to mediating international disputes, and from surveying economic and social trends and problems, to preparing studies on human rights and sustainable development.

The Model United Nations (2016) states that the Secretary-General is the head of the secretariat and provides overall administrative guidance, that include:

- To collect and prepare background information on various issues to be discussed so that the delegates can study the facts and make recommendations;
- To help carry out the decisions made by the different organs of the United Nations;
- To organize international conferences;
- To translate speeches and distribute documents into the UN's official languages;
- To keep the public informed about the work of the United Nations.

The Secretariat has staff members around the world who are international civil servants and are accountable to the United Nations. They take an oath that prevents them from taking instructions from any Government. The Charter of the Member States of the United Nations obliged them (member states), to respect the responsibilities of the Secretary-General and the staff, by refraining from seeking to influence them improperly in the discharge of their duties (Model United Nations, 2016).

(d) The Economic and Social Council

According to ECOSOC (2016), the world's economic, social and environmental challenges are the Economic and Social Council's concern. This Council was established in 1946 to debate and make policy recommendations on economic, social and environmental matters. As such, Economic and Social Council has broad responsibility for human and financial resources of the entire UN system, including 14 specialized agencies, nine functional commissions and five regional commissions. The Council holds regular meetings throughout the year with prominent academics, business sector representatives and registered NGOs. Economic and Social Council's biggest gathering is reserved for its annual, month-long substantive session. Held in alternate years in New York and Geneva, it focuses on pressing development challenges (employment, education, health, etc.). The high-level segment regularly attracts policy-makers from the top ranks of governments.

(e) Trusteeship Council

According to the Trusteeship Council (2016), in setting up an international trusteeship system, the UN Charter of 1945 established the Trusteeship Council as one of the main organs of the UN and assigned to it the task of supervising the administration of trust territories, placed under the trusteeship system. A major goal of the system is to promote the advancement of the inhabitants of trust territories and their progressive development towards self-governance or independence. The Trusteeship Council is made up of the five permanent members of the Security Council, namely China, France, Russia, the UK and the USA. The aims of the trusteeship system have been fulfilled to such an extent, that all trust territories have attained self-government or independence, either as separate states, or by joining neighbouring independent countries. Under the UN Charter of 1945, the Trusteeship Council is authorized to examine and discuss reports from the administering authority on the political, economic, social and educational advancement of the peoples of trust territories, in consultation with the administering authority.

(f) International Criminal Justice

According to Pieret and Hébert-Dolbec (2016), the International Criminal Justice programme seeks to strengthen criminal justice initiatives worldwide by providing technical assistance to those engaged in complex investigations and prosecutions, and by sharing lessons learned from field programmes and research. The investigation and prosecution of international crimes – including genocide, crimes against humanity and war crimes – represent a fundamental component of transitional justice. It has its roots in international legal obligations, that can be traced back to the Nuremberg trials and continue with the International Criminal Tribunals for the former Yugoslavia and Rwanda.

4.4.2 The African Union

After nearly 30 years of the existence of the Organisation of African Unity (OAU), the leadership recognized the need to transform the organization. This led to the establishment of the Constitutive Act of 2000 of the African Union (AU), which was adopted in Lome', Togo, in July 2000 (Edo & Olanrewaju, 2012: 53).

4.4.2.1 The background to the African Union

According to Edo and Olanrewaju (2012: 41), the AU formally replaced the OAU in July 2002. The OAU was formed on 25 May 1963 and it was initially conceived as a political and economic grouping of independent African states. Its establishment was the culmination of efforts towards Pan-African ideals, that had been raised from 1919 for the decolonization and independence of African states. From the late 1950s, the yearning for these Pan-African ideals brought with them an increasing realization of the need for closer African collaboration to expedite the decolonization of the entire continent, for rapid political and economic development.

Edo and Olanrewaju (2012: 66) state that from 1958 these efforts resulted in the formation of a number of movements, notably: The socialist Casablanca Group (1961), incorporating Ghana, Guinea, Mali, Morocco, the United Arab Republic (Egypt) and the Algerian Provisional Government. This group evolved from the Ghana-Guinea Union of 1958, which Mali joined in 1961; the Monrovia Group

(1961), incorporating Liberia, Ivory Coast, Cameroon, Senegal, Malagasy Republic, Togo, Dahomey (Benin), Chad, Niger, Upper Volta (Burkina Faso), Congo Brazzaville, Central African Republic, Gabon, Ethiopia and Libya; the Brazzaville Group (1960-61) incorporating Cameroon, Central African Republic, Congo Brazzaville, Gabon, Mauritania, Upper Volta, Madagascar, Niger, Senegal and Chad.

4.4.2.2 The objectives of the Organisation of African Unity

According to Article III of the AU Constitutive Act of 2000, the objectives of the OAU were to:

- Promote the unity and solidarity of African states;
- Coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa;
- Defend the sovereignty, territorial integrity and independence of member states;
- Eradicate all forms of colonialism from Africa;
- Promote international cooperation, with due regard to the Charter of the UN of 1945 and Universal Declaration of Human Rights.

Ejoyi and Atta-Asmoah (2009: 79), state that, as a result of the efforts of the OAU Coordinating Committee for the Liberation of Africa, which was established in 1963, the OAU was successful in its struggle for the decolonization and independence of the continent, as well as the struggle against apartheid. Independence resulted in serious latent disputes among the newly independent states, as a result of historical processes in which arbitrary colonial borders had been created.

The OAU was not successful at finding lasting solutions to post-independence conflicts in Africa. According to Aboagye and Kent (2005: 10), among other reasons this stemmed from:

- The limitations set by the OAU Charter principles of sovereign equality and non-interference in the affairs of members states;
- The absence of a substantive security mechanism for conflict prevention and resolution and reliance on ad hoc approaches;

- The prevalence and severity of conflicts;
- The lack of capacity and institutional expertise;
- The perceived and real reluctance of the UN and the international community to fully commit themselves to the resolution of destabilizing conflicts, especially following the end of the cold war.

Following the end of the cold war and the global political and economic changes that preceded it, African heads of State, in Addis Ababa in July 1990, underscored the need to act quickly and determinedly to forestall devastating African conflicts. They adopted the declaration titled “Declaration of the Assembly of Heads of States and Government of the Organisation of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World”. Efforts to make the OAU relevant, as well as the compelling need to find an effective mechanism for the security of the continent, were motivated by unprecedented genocide in Rwanda in 1994. The AU was formally launched in July 2002 in Durban, South Africa (Aboagye, Ejoyi & Atta-Asamoah, 2009: 80).

4.4.2.3 The African Union Constitutive Act of 2000

The Constitutive Act of 2000 states that the AU is the legal instrument for the establishment of the Union, based on the fundamental principle of sovereign equality and interdependence among member states of the Union. Article 3 of the Constitutive Act of 2000 sets out the objectives of the Union, among others to achieve greater unity and solidarity among African countries and the people of Africa. It also aims at promoting peace, security and stability on the Continent. Article 4 sets out the principles that guide the functions of the Union, in terms of peace and security, while providing for the peaceful resolution of conflicts among member states of the Union through appropriate means. It also provides for:

- The right of the Union to intervene in a member state in accordance with a decision of the Assembly in respect of grave circumstances, namely crimes of war, genocide, and crimes against humanity;
- The right of member states to request intervention from the Union in order to restore peace and security.

- Article 3 of the African Union Constitutive Act of 2000, states that the objectives of the Union shall be to achieve greater unity and solidarity between the African countries and the people of Africa, by defending the sovereignty, territorial integrity and independence of its states and accelerate the political and socio-economic integration of the Continent;
- Promote and defend common African positions on issues of interest to the continent and its people;
- Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- Promote peace, security and stability on the continent and promote democratic principles and institutions, popular participation and good governance;
- Promote and protect human and people's rights, in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments;
- Establish the necessary conditions which enable the continent to play its rightful role in global economy and international negotiations and promote sustainable development at the economic, social and cultural levels, as well as the integration of African economies;
- Promote cooperation in all field(s) of human activity, to raise the living standards of African people, as well as coordinating and harmonising the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- Advance the development of the Continent by promoting research in all fields, particularly in science and technology and work with relevant international partners in the eradication of preventable disease and the promotion of good health.

Article 4 of the African Union Constitutive Act of 2000, stipulates that the Union shall function in accordance with the following principles:

- Sovereign equality and interdependence among member states of the Union and respect of(for) borders existing on achievement of independence;

- Participation of the African people in the activities of the Union and the establishment of a common defence policy for the African continent;
- Peaceful resolution of conflict among member state(s) of the Union through appropriate means as may be decided upon by the Assembly and prohibition of the use of force or threat to use force among member states of the Union;
- Non-interference by any member state in the internal affairs of another and the right of the Union to intervene in a member state, pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;
- Peaceful co-existence of member states and their right to request intervention from the Union in order to restore peace and security;
- Promotion of gender equality and respect for democratic principles, human rights, the rule of law and good governance;
- Promotion of social justice to ensure balanced economic development and respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- Condemnation and rejection of unconstitutional changes of governments.

Most of the AU peacekeeping missions are mandated either by Article 3 or Article 4 of the African Union Constitutive Act of 2000. One of the objectives under Article 3 is to promote peace, security and stability on the continent, therefore if there is instability in the member country, the Union will intervene to make sure that there is peace and security on the continent. Under Article 4, one of the principles of the Union is the right of member states to request intervention from the Union in order to restore peace and security. Therefore, if the member country cannot resolve its own internal conflict, it can request the Union to intervene.

Like the UN, the AU is not a continental government but it serves as a continental body aiming at pursuing the objectives of the African Union Constitutive Act of 2000, to promote and defend African common positions on issues of interest to the Continent and its people. In finding African solutions to African problems, Article 5 of the African Union Constitutive Act of 2000, provides for the following Organs:

Assembly: As the supreme Organ of the Union, the Assembly is composed of heads of state and governments or their representatives. Its chairperson is a head of state, who is elected after consultations among member states to hold office for a period of one year. According to Article 7 of the Constitutive Act of 2000, the assembly takes decisions by consensus, failing that, by a two-thirds majority of its members, which also constitutes the quorum.

In accordance with Article 9, it has powers to determine the common policies of the Union. With particular reference to conflicts, it gives direction to the Executive Council on the management of conflicts, war and other emergency situations and restoration of peace. It meets at least once a year in an ordinary session, normally in June–July and in one extraordinary session, normally in February.

Executive Council: The Executive Council is composed of the ministers of foreign affairs or such other ministers or authorities that are designated by the governments of member states (Article 10). The Executive Council also takes its decisions by consensus and, failing that, by a two-thirds majority (Article 11). It is empowered to coordinate and take decisions on policies in areas of common interest to member states (Article 13).

AU Commission: The AU Commission was established in terms of Article 20 of the African Union Constitutive Act 2000. In terms of functions, the commission is equivalent to the United Nations Head Quarters (UNHQ) in New York. The commission is composed of a chairperson, eight commissioners and staff of the respective departments. The Commission is the key organ and plays a central role in the day-to-day management of the AU. Among others, it represents the Union and defends its interests, elaborates on drafts concerning the common positions of the Union, prepares strategic plans and studies for the consideration of the Executive Council, promotes, coordinates and harmonizes the programmes and policies of the Union with those of the Regional Economic Communities, and ensures the mainstreaming of gender in all programmes and activities of the Union.

Pan-African Parliament: The Pan-African Parliament (PAP) aims to ensure the full participation of African people in governance, development and economic integration of the continent. The protocol relating to the composition, powers, functions and organization of the PAP, which was adopted in Sirte, Libya in March 2001, has been signed by 48 countries and ratified by 46 of them. It was entered into force on 14 December 2003. Subject to the outcome of a review conference held by the state parties who are signatories to the protocol, the member countries of the Union reviewed the protocol, signed and ratified it and the PAP endorses it. PAP may assume the status of a legislative body (Edo & Olanrewaju, 2012: 61).

Court of Justice: The protocol establishing the African Court on Human and Peoples' Rights entered into force on 25 January 2004. However, although the 11 judges were appointed in July 2006, the court has no courthouse, no rules of procedure and no cases on the roll. Meanwhile, the AU has decided to merge the African Court on Human and People's Rights and the African Court of Justice. The latter must first ratify a resolution taken by countries that are member states of the Union, before the resolution can be implemented and used as binding to the member states, although this instrument has yet to be ratified by the requisite number of member states and has not yet been entered into force (Edo & Olanrewaju, 2012: 61).

Permanent Representatives Committee: Edo and Olanrewaju (2012: 60), state that the Permanent Representatives Committee (PRC), is composed of the permanent representatives of member states accredited to the Union. The PRC is charged with the responsibility of preparing the work of the Executive Council.

Economic, Social and Cultural Council: The Economic, Social and Cultural Council is an advisory organ composed of various social and professional groups of the member states of the Union. The statutes determining the functions, powers, composition and organization of the Organ were adopted by the AU Summit in Maputo in 2003. Economic, Social and Cultural Council, was first launched in the interim in Ethiopia in March 2005. It was formally launched in Tanzania in September 2008. The organ is headed by a bureau of five regional representatives and has a standing committee and a general assembly of 150 members (Aboagye, 2007: 90).

Financial Institutions: According to Aboagye (2007: 90), the financial institutions include the following: African Central Bank; African Monetary Fund and African Investment Bank. Another organ that the Assembly established is the Peace and Security Council (PSC). At the Summit of Lusaka, July 2001, a decision was made regarding its creation within the AU of the Peace and Security Council (Aboagye, 2007: 90).

4.4.3 The Regional Economic Communities

The insufficiency of the OAU led to the establishment of security mechanisms for some regions, each informed by its own regional security dynamics. The notable regional security mechanisms are: the Economic Community of West African States (ECOWAS) of 1999, the Southern African Development Community (SADC) Mutual Defence Pact of 2003, the Economic Community of Central African States (ECCAS) Council for Peace and Security in Central Africa of 1999 and the Inter-Governmental Authority on Development (IGAD). An Early Warning Response Mechanism operates within the framework of the Programme on Conflict Prevention, Resolution and Management of 1998. The Continental Early Warning System provides the operational instruments for conflict prevention and within this new architecture the Regional Economic Communities serve as the building blocks. South Africa falls within the SADC region (Aboagye, 2007: 90).

4.4.3.1 The Background to Southern African Development Community

The SADC was established by the relevant treaty in Windhoek in August 1992. SADC was envisioned as a Regional Economic Community with predominantly economic portfolios. The common agenda of Article 5a of the SADC Treaty of 1992, however, recognized the linkage and need for peace, security and stability (Article 5c of the SADC Treaty of 1992), as the *sine qua non* for economic development. The SADC security framework was strengthened in August 2001, with the establishment of the Protocol on Politics, Defence and Security Cooperation, instituting the Organ on Politics, Defence and Security. Among others, the objective of the Organ on Politics, Defence and Security is to promote peace and security in the SADC region. In August 2003, SADC agreed to establish a Mutual Defence Pact (MPD) in Dar-es-

Salaam, Tanzania, aiming to operationalize the mechanisms of the organ for mutual cooperation in defence and security matters. It also adopted the Strategic Indicative Plan for the Organ, seeking to identify strategies and activities to achieve the objectives set out in the Protocol on Politics, Defence and Security (Aboagye, Ejoyi & Atta-Asamoah, 2009: 98).

4.4.3.2 Overview of Southern African Development Community Early Warning Framework

The Organ on Politics, Defence and Security was launched in June 1996 as a formal institution of SADC, with the mandate to support the achievement and maintenance of security and the rule of law in the SADC region. The SADC Treaty, the Protocol on Politics, Defence and Security Cooperation and the Strategic Indicative Plan for the Organ are the key documents that guide the activities of the Organ on Politics, Defence and Security. The Inter-state on Politics and Diplomacy Committee and the Inter-state on Defence and Security Committee are committees of the Organ on Politics, Defence and Security. The Inter-state on Politics and Diplomacy Committee is overseen by the Executive Secretary. The Inter-state on Politics and Diplomacy Committee and the Inter-state on Defence and Security Committee both meet at ministerial level. The Inter-state on Defence and Security Committee has three sub-committees, namely the Defence Sub-committee, the Public Security Sub-committee and the State Security Sub-committee. The objective of the Inter-state on Defence and Security Committee is to promote peace and security in the region. The objective is achieved by ensuring defence and security. The Inter-state on Defence and Security Committee is focused on the hard aspects of military defence, peacekeeping and preventive deployment and comprises of ministers of foreign affairs, with their main objective to ensure political diplomacy. This objective of the Inter-state on Politics and Diplomacy Committee is achieved by means of preventive diplomacy and peace making. The dispute between the parties is prevented from developing into open conflict (Cilliers, 1996).

Article 11 of the SADC Protocol on Politics, Defence and Security Cooperation of 2001 provides for the establishment of an early warning system, in order to facilitate timely action to prevent the outbreak and escalation of conflict. The Strategic

Indicative Plan for the Organ provides for the establishment of a Strategic Analysis Unit to be responsible for the SADC Situation Room as the nerve centre of the regional warning and response (SADC, 2010: 15).

4.4.3.3 Overview of Southern African Development Community Peace-support Operations Framework: The Southern African Development Community Standby Force

According to Aboagye, Ejoyi and Atta-Asamoah (2009: 98), the SADC Interstate Defence and Security Committee, at its meeting in Lesotho in 2004, mandated a Ministerial Defence Sub-Committee to set up a technical team to plan the establishment of the SADC Standby Brigade. The technical team, composed of military planners, met in April–May 2005 to deliberate on the establishment of an interim Planning Element at the SADC Secretariat in Gaborone, while a Memorandum of Understanding (MOU) between member states was signed in Lusaka, Zambia, in August 2007 to regulate the establishment and maintenance of the SADC Standby Brigade. The protocol for the SADC Organ on Politics, Defence and Security Cooperation has the following objectives (Aboagye, Ejoyi & Atta-Asamoah, 2009: 98):

- to consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
- to develop the peacekeeping capacity of national defence forces and coordinate the participation of state parties in international and regional peacekeeping missions;
- mobilize resources and enhance regional capacity for peace-support operations;
- develop a regional peace-support operational capability, based on individual member state standby arrangements;
- consolidate and develop the activities of the Regional Peacekeeping Training Centre;
- finance the regional peacekeeping training centre in accordance with the capacities of member states;
- train regional forces for peace-support operations; and
- conduct joint multinational exercises.

The forces will be deployed under a UN or AU mandate, in addition to a SADC mandate by the SADC Summit of Heads of State and government, which will also approve all contributions to AU peace-support operations on the recommendation of the country chairing the SADC organ. In accordance with a SADC ministerial decision, the Southern African Regional Police Chief Cooperation Organisation (SARPPCO) has been recognized as a SADC implementing-agent on crime matters. The SADC Summit of Heads of State directed on 18 August 2006, in Maseru, Lesotho, that SARPPCO should become a law enforcement structure of SADC (Aboagye, Ejoyi & Atta-Asamoah, 2009: 25).

4.4.4 The National Legal Framework

It is essential for South Africa to regularly evaluate its foreign policy and to ensure that its national interests are maximized. Foreign policy is not an abstract matter separate from domestic policies and, as such, South Africa ensures that these inform its foreign policy. Remaining loyal to the constitutional principles that have inspired South Africa since 1994, the South African foreign policy is currently based on the primacy of the African continent and the SADC (de Coning & Henderson, 2006: 128).

4.4.4.1 The Foreign Policy

According to the White Paper on South Africa's Foreign Policy (South Africa 2011: 15) since the birth of democratic South Africa in 1994, the country has prioritized an Afro-centric foreign policy rooted in national liberation, the quest for African renewal, and efforts to negate the legacy of colonialism as well as neo-colonialism. This resulted in major and ambitious African initiatives such as the New Partnership for Africa's Development and support for the transition of the OAU to the AU in 2002. The struggle for a better life in South Africa is intertwined with the pursuit of a better Africa in a better world. Its destiny is inextricably linked to that of the Southern African region. According to de Coning and Henderson (2006: 129), regional and continental integration is the foundation for Africa's socio-economic development and political unity and essential for South Africa's own prosperity and security. Consequently, Africa is at the centre of South Africa's foreign policy. South Africa

must therefore continue to support regional and continental processes to respond to and resolve crises, and strengthen regional integration. South Africa will intensify its engagements in the AU and its structures in order for the AU to fulfil its role in building African unity and furthering the social and economic development of the continent. South Africa will continue to champion the role of the AU as the primary organization for coordinating continental positions. It will therefore continue to play a leading role in conflict prevention, peacekeeping, peace-building, and post-conflict reconstruction (South Africa, 2011: 18).

South Africa will continue to work with the AU to discourage unconstitutional changes in governments. It will also continue to support AU and UN initiatives to find just and lasting solutions to outstanding issues of self-determination and decolonization on the African continent. South Africa subscribes to the principles of sovereignty and non-interference in the internal affairs of other states. The AU is determined to reinvigorate peace and security initiatives, with such initiatives reinforced by the Regional Economic Communities. In this regard, it is critical to strengthen the SADC Organ on Politics, Defense and Security and the AU Peace and Security Council and their linkage to the United Nations Security Council. Recognizing the importance of the African Standby Forces for achieving the AU's peace and security aims, South Africa will work with SADC and its member states to maintain the readiness of the SADC Brigade. South Africa's relations with individual African countries remain central to its foreign policy practice (South Africa, 2011: 18).

4.4.4.2 The White Paper on Peacekeeping

Since the advent of democracy in 1994, domestic and international expectations have steadily grown regarding the role of the new South Africa as a responsible and respected member of the international community. These expectations have included the hope that South Africa would play a leading role in a variety of international, regional and sub-regional forums, and that the country would become an active participant in attempts to resolve various regional and international conflicts. South Africa has, as a member of bodies such as the UN and the AU, begun to play an active role in diplomatic conflict resolution initiatives. The country is also expected to contribute to wider multinational peace missions. The aim of the

White Paper on South African Participation in International Peace Missions of 1998 is to describe the nature of contemporary peace missions and to provide clear and concise inter-departmental policy guidelines on South African participation in such missions (South Africa, 1998: 4).

South African philosophy on participation in peace missions: Peace missions should be viewed as a long-term endeavour that includes a significant investment in peace-building. The latter involves the inculcation of respect for human rights and political pluralism; the accommodation of diversity; building the capacity of state and civil institutions; and promoting economic growth and equity. In all cases, peace missions should aim at the empowerment of people and be based on local traditions and experiences, rather than the imposition of foreign modes of conflict management and governance. Preventive diplomacy, peace-building and peace-making must therefore be the essential pillars of any peace mission. South Africa will endeavour to support such efforts aimed at addressing the causes of crises, when and where possible and appropriate – to the extent that its resources allow (South Africa, 1998: 18).

The South African Government must also assist the international community in managing the symptoms of crises. Since the UN has very limited assets of its own to run field operations, member states are the main providers of the resources required for such operations. South Africa provides the international community with a unique example of how a country, having emerged from a deeply divided past, can negotiate a peaceful transition based on its own conflict-resolution techniques and its own vision of meaningful and enduring development. The South African approach to conflict resolution is thus strongly influenced by its own recent history and its powerful national interest. South Africa's emerging national interests are underpinned by the values enshrined in the Constitution, which encompasses the security of the state and its citizens, the promotion of the social and economic well-being of its citizenry, the encouragement of global peace and stability, and participation in the process of ensuring regional peace, stability and development (South Africa, 1998: 19).

South Africa's potential contribution: The SAPS is one of the largest and best-trained civilian police services in Africa (South Africa, 1998: 21). Indeed, while the SAPS is becoming increasingly civilianized, many countries on the continent are still policed by paramilitary-style forces. South African policemen and women who have experienced the process of transformation first-hand are well-suited for international service in support of the broad UNPOL officers' mission, to undertake the supervision or control of local civil police in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. The UN has an urgent need of high-quality officers for increasingly police-intensive peace missions. As the emphasis is on quality rather than quantity, international obligations and domestic needs can be balanced by preparing a limited number of experienced SAPS personnel for deployment in support of peace missions. This number could be as few as twenty or as many as one hundred, on the understanding that only half the number would be deployed externally, in order to allow for rotation (South Africa 1998: 21).

This size of the contribution should be acceptable to even the most critical elements of the South African population – especially if it is emphasized that the experience gained on peace missions undoubtedly contribute to the overall professionalism, human rights awareness, and service orientation of the SAPS. In any event, the SAPS approves each individual application for leave of absence for international service. Such approval is not granted if it is detrimental to the safety and security of the South African public. Participation in international missions provides select South African Police Service officers the opportunity to operate in a foreign culture and to be exposed to unique policing problems, as they confront cultural and ethical issues on a daily basis. Although the SAPS lose some officers for a short period of time, the skills acquired complement what police officers do in South Africa. International service is based on applications to join specific police missions and no police officers are forced to serve internationally. However, the SAPS facilitates applications of individual members by creating a suitable readiness system, which includes a standby roster, selection procedures, and appropriate training opportunities. Candidates go through a selection process that is tailored to the requirements of the United Nations Department of Peacekeeping Operations training unit. This typically includes attributes such the minimum period of eight years of police experience,

sound mental and physical health, good driving skills, good English language and report-writing skills and basic computer literacy. Candidates must also hold values and attitudes towards other cultures that are consistent with UN and South African constitutional principles (South Africa 1998: 22).

Principles for participation: According to the White Paper on South African Participation in International Peace Missions (South Africa, 1998: 30), there are various principles of participation that include -

- a. Level and Size of Contribution – The level and size of South Africa's contribution to any particular peace mission depend on how closely the mission relates to national interests and the level of demand that exists for the type of contributions.
- b. A Clear International Mandate – The mandate for the peace mission must be clear and agreed to between the UN, regional bodies (where applicable), the host country and conflicting parties, and contributing countries. The mandate should be linked to concrete political solutions, and the deployment of a peace mission should not be seen as an end in itself. South African participation in peace missions should occur only when there is a clear threat to and/or breach of international peace and security.
- c. Sufficient Means – The commitment to service by South African forces in peace missions is contingent upon comprehensive mission planning with the relevant national and international authorities to ensure that the form and function of forces committed to such operations are both necessary and sufficient to attain the stated goals and objectives.
- d. A Domestic Mandate and Budget – In determining whether South Africa should participate in a particular peace-support operation, the Executive (Minister of Police when in parliament, or parliament itself) should operate on the basis of the principle of shared responsibility. Where troop contingents, equipment and other personnel are made available for UN missions, South Africa will be reimbursed for such participation. However, troop participants in

past UN missions have sometimes had to wait an inordinately long time for such reimbursement.

- e. Volunteerism – The very nature of the civilian readiness arrangement proposed for South Africa means that willingness to participate in international peace missions in general and participation by civilians in any particular peace mission are matters of individual choice. This is equally true for members of the SAPS.
- f. Clear Entry and Exit Criteria – South Africa should also be assured of clear exit criteria before committing a national contingent to any peace mission.
- g. Regional Cooperation – South Africa will continue to cooperate with regional partners, especially those within the SADC, to enhance its capacity to participate in international peace missions.
- h. Foreign Assistance – South Africa, as a newcomer to the realm of international peace missions, is grateful for the foreign assistance it has received for the purpose of building capabilities for participation in peace missions.

Procedures for participation: According to South Africa (1998: 31), a request from UN Head Quarters for civilian police from South Africa is usually directed to South Africa's Permanent Mission to the UN Special Committee on Peacekeeping Operations in New York. Such requests are normally quite specific in terms of the required number of persons, type of experience that is appropriate, requisite years of service as police officers, etc. Such requests are communicated through the Department of International Relations and Cooperation to the Ministry of Police for consideration. A selection committee is then established within the SAPS as part of the police readiness system for participation in international peace missions. The selection committee call for applications from suitably qualified police officers who show a genuine interest in volunteering for service in international peace missions. After a pre-selection process, promising applicants are interviewed by the selection

committee and measured against the generic qualities required for UN civilian police officers.

Successful candidates are then nominated for an approved basic UNPOL officer's course. Once a request for South African UNPOL officers is approved by the Minister of Police, the details of this request and the mission in question is communicated to the selection board, who select the requisite number of officers in accordance with specific mission requirements, from volunteers from the pool of officers who have successfully completed the basic courses that are presented by many of the traditional contributing countries to UN operations. A limited number of funded positions are open to South Africans. The UN also has a correspondence course for UNPOL officers that could easily be taught in collaboration with the SA Police College. Successful candidates undergo a shorter mission-specific training course prior to deployment. The SAPS remains responsible for the uniform and salary of police officers deployed on international service. Other terms of employment are specified in a contract between the UN and the individual police officer concerned. All police officers returning from international service should be thoroughly debriefed, so that the relevant lessons can be incorporated into future training programmes (South Africa 1998: 32).

4.5 CONCLUSION

The chapter focused on the principles and types of peacekeeping. The discussion further concentrated on the different levels from which peacekeeping mandates are derived. The levels include the UN that evolved from the League of Nations, the AU that evolved from the OAU, the Regional Economic Communities (SADC, of which South Africa is a member), as well as the National Legal Framework.

In 2009, the Department of International Relations and Cooperation responded to the approach regarding international affairs to better align South Africa's foreign policy and domestic objectives. This provided the Department with an opportunity to redefine its role in building deeper and more expansive relations, and using these partnerships to advance South Africa's national interests. Global issues shaping the environment in which South Africa operates are increasingly complex and

multidimensional, and require a coherent cross-sectoral approach and a coordinated response across all spheres of government. In order for South Africa to maximize the benefits gained from the successful implementation of its foreign policy, a coordinated approach is essential to address the weaknesses engendered by working in a compartmentalized manner.

In order to ensure proper implementation, the Department strengthened and formalized the management and coordination of South Africa's international relations. In this regard, the Department and its missions abroad provide strategic information on global developments to all stakeholders, providing strategic guidance on policy options, and managing and facilitating South African activities and engagements abroad in order to deliver tangible outcomes for the betterment of the lives of South Africans by ensuring that there is stability on the continent and in the region, and ultimately ensuring peace and stability in South Africa.

CHAPTER 5: RESEARCH FINDINGS

5.1 INTRODUCTION

This Chapter outlines the research findings that are based on information obtained from various respondents who have insight into the challenges experienced in peacekeeping missions. The researcher conducted interviews with the objective of determining the challenges experienced in peacekeeping missions in Africa by members of the South African Police Service. To get a comprehensive picture of these challenges the researcher read extensively on peacekeeping missions and interviewed the respondents that were described in details on the Research Methodology Chapter of this study.

The findings are presented collectively below, based on the themes that they address that emanate from the research question and research objectives. For comprehensibility and clear demarcation, the findings are categorized under different headings.

5.2 FINDINGS

1. The Expectation by the International Community that the Democratic South Africa will play a Critical Role in Conflict Resolution on the Continent

According to the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, the expectation has been met since 1994. The first South African international peacekeeping deployment contribution was in 1998, with the deployment of personnel through the South African Development Community intervention in Lesotho and South Africa's first United Nations deployment came in 1999, to the United Nations mission in the Congo.

2. South African Commitment to Participation in any Mission to achieve the Set Mandate

The Director of the National Office for the Coordination of Peace Missions, in the Department of International Relations and Cooperation and police officers, who are responsible for international deployment, mentioned that South Africa had deployed peacekeepers to the African Union Mission in Sudan, which was in a way under-resourced. This is an indication that South Africa is upholding the principle of deploying to any peace mission. Police officers who are responsible for international deployment, further mentioned the lack of resources having a negative effect on upholding this principle, because it limits the success of a mission. One member mentioned that *“peacekeepers are negatively affected, as they are limited by the lack of resources in bringing about the desired condition”*. They emphasized that the success of peacekeeping operations, is largely determined by the availability of funds.

Both the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and police officers, who are responsible for international deployment, reiterated that many United Nations operations have been successful because they benefitted from logistics support provided centrally by the United Nations. Stating that, for the operations to succeed, the logistical as well as financial aspects of the operations must be considered early on by the mission planners. Logistics and operational planning are inseparably linked. It is essential that both logistics and operations staff have a clear understanding of each other's aims and requirements. It is important to clearly identify what is expected from national contingents of the various police-contributing countries. It is also important to examine the feasibility of these expectations and to make alternative arrangements as required, in advance of deployment, so that the mission can be fully resourced and operationally successful.

3. The Shortcomings of the White Paper on South African Participation in International Peace Missions

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, stated that the White Paper still provides what it had been intended to do, as it guides the Department in overseeing and coordinating South Africa's involvement in international peacekeeping missions. This also assisted the Department to establish a National Office for the Coordination of Peace Missions. The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and police officers, who are responsible for international deployment, further indicated that the White Paper was reviewed in 2006 and ever since the last review, experience gained by peacekeepers has evolved. From the officers being observers only and monitoring the situation, to also partaking in stabilizing post-conflict by enhancing public security, rebuilding local police capacity, and engaging actively in capacity-building and associated institutional reform.

Such experience in peace support was not catered for in the White Paper. However, the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations, also emphasized that the White Paper is a working document, addressing the continuously changing nature of peacekeeping. While some police officers who are responsible for international deployment regard the White Paper as being mainly academic and impractical, in most instances it has been overtaken by what is currently happening in peacekeeping missions.

4. Challenges in the Deployed Countries

All the respondents, namely – the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation; police officers who are responsible for international deployment; members of the South African Police Service who were once deployed in peacekeeping missions in Africa and the South African Police Service members seconded to the Southern African Development Community Secretariat, stated that challenges in the deployed countries are unique. They are largely influenced by the type of the mission that the

police are deployed to carry out, giving an example about Sudan, in the Darfur region, where the purpose of the mission was to observe, monitor and report any human rights violation.

The common challenges that were experienced, were that it was difficult for the police to observe human rights being violated and not have the powers to act as police officials; secondly, that the resources were limited and thirdly that there was no cooperation from the locals because they felt that the observers did nothing to help them. In the Democratic Republic of Congo, the mission was to create a stable country, contributing to a safer Africa and a better world by providing training, electoral support and capacity building. The common problems were: no cooperation from the locals, the vehicles were not suitable for the terrain and private aircraft were contracted at a high cost. While in Angola, the mission was to participate in the South African Development Community Election Observer Mission and the common challenges were:

- observing elections in areas where former combatants were still in possession of high-calibre firearms;
- police officers, as election observers, were not allowed to carry any firearms;
- the language barrier; and
- no cooperation from the local residents.

5. The Commanding Officer of the Deployed Police Officers

Members of the South African Police Service who were once deployed in peacekeeping missions in Africa, members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions and the South African Police Service members seconded to the Southern African Development Community Secretariat, stated that the minimum requirements for a person to be the commanding officer of the deployed police officers are: having a University degree, being no more than 65 years old, having had 5 years' experience in United Nations activities and being fluent (oral and written), in at least one of the working languages of the United Nations, i.e. English, French or Spanish.

The literature and members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions, indicated that out of 21 international peace missions that the South African Police Service had been involved in, only three South African Police Service officers had been appointed as the commanding officers of the missions. One was appointed as the commanding officer for the African Union Mission in Sudan and two were appointed as the commanding officers for the United Nations Hybrid Mission in Sudan. In the rest of the missions, the commanding officers were from other countries.

Some members of the South African Police Service who were once deployed in peacekeeping missions in Africa, raised the fact that due to the different retirement age limits in different countries, which is 60 in South Africa and 65 in many other countries, some of the deployed police officers tend to be above 60 years old. These police officers are no longer energetic and this has a negative impact on the mission, such as the failure to respond to complaints promptly. While others have to be repatriated to their countries of origin, because of not being able to cope under stringent conditions during the mission. They generally view these police officers as a burden to the mission, as they cannot manoeuvre well in operations, as compared to young and energetic peacekeepers.

6. Police Officers who have Committed Misconduct or Crime in a Deployed Country

Members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions, some members of the South African Police Service who were once deployed in peacekeeping missions in Africa, the South African Police Service members seconded to the Southern African Development Community Secretariat and the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, mentioned that in the case of misconduct, such as theft, assault and misuse of resources of the mission committed by a deployed member of the South African Police Service, the management of the South African Police Service opens a case of misconduct and have the matter investigated in terms of the Disciplinary Code of the

South African Police Service. Such matter is handled as if the misconduct was committed in South Africa. If the committed misconduct constitutes a crime such as theft, rape or murder, the member is repatriated to stand trial in the home country, but before the trial can commence, details of the case and evidence are awaited from the mission management.

They further mentioned that the challenge of dealing with misconduct and crimes, committed by the deployed police officers, is that the United Nations takes a long time to forward all the information to the country of origin of the police officers concerned. This is also supported by the available literature on this topic. They explained the prescribed procedure that the United Nations sends the information to the country of origin of the police officer concerned, because the United Nations does not have the power to discipline peacekeepers. The delay in getting these documents, pose a major difficulty to the South African Police Service, because it cannot speedily deal with such cases, since there are no witnesses to come forward and testify. The other factor is that sometimes the misconduct is only an offence in the deployed country, but not in South Africa. For example, drinking alcohol and indulging in sex before marriage.

Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, the South African Police Service members seconded to the Southern African Development Community Secretariat and some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, are of the view, that in order to solve this problem, the defaulters should not be repatriated to their countries of origin, but the misconduct should be handled by the mission management. They state that authorizing and capacitating the United Nations missions in the countries where they are deployed would alleviate the problem.

All the respondents, namely the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation; police officers who are responsible for international deployment; members of the South African Police Service who were once deployed in peacekeeping missions in

Africa and the South African Police Service members seconded to the Southern African Development Community Secretariat, emphasized that the repatriation of officers due to misconduct makes the mission lose credibility and that the peacekeepers lose the trust of the local communities.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation further mentioned that the United Nations signs a Memorandum of Understanding together with the police-contributing country and defines the code of conduct for the mission. As the deployed members are in the service of the South African Police Service, it is the responsibility of the latter to discipline members who commit an offence during the peace mission deployment.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation; police officers who are responsible for international deployment; some members of the South African Police Service who were once deployed in peacekeeping missions in Africa and the South African Police Service member seconded to the Southern African Development Community Secretariat state that the repatriation of police officers, based on misconduct or crime committed in the country where they are deployed, has a negative effect on the success of the mission, because it causes the police officers that are still deployed, to be fewer than the required number. They mentioned that it is difficult and takes time to replace the repatriated police officers once the operation has started, due to mission-specific training that has already taken place, as well as the delays caused by the host countries to issue visas for entry into their countries.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, further stated that South Africa deploys police officers mostly in aid of United Nations-led operations, regional organizations, sub-regional organizations and as a result of bilateral arrangements. This deployment is linked to South Africa's growing self-image as an emerging middle power and African power in the international arena and it views such deployments as a foreign policy strategy, that can support its ambition to play a

leading role in multilateral forums. If police officers are repatriated to South Africa due to misconduct or criminal activities, this has a negative impact to the country and undermines all the efforts and endeavours as stated above.

7. Challenges of using the Peacekeepers to Investigate Crime and Effecting Arrests during Peacekeeping Missions

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation; police officers who are responsible for international deployment; members of the South African Police Service who were once deployed in peacekeeping missions in Africa, supported by the literature mentioned that peacekeepers are deployed in the mission for a period of twelve (12) months. They can get only one extension of six (6) months, which makes their period of participation eighteen (18) months, as the entire period cannot exceed 18 months. This results in some peacekeepers returning to their countries of origin before the completion of the investigation and that leads to a lack of continuity, which has a negative effect on the conviction rate and the effectiveness of the mission. Some members of the South African Police Service who were once deployed in peacekeeping missions in Africa, are of the opinion that this challenge can be overcome by providing a special dispensation of extending the service period of the peacekeepers, who are investigating certain cases.

8. The Impact of Destroyed Infrastructure and Language Barriers on Effective Peacekeeping in a Country where there is a Deployment

Some members of the South African Police Service who were once deployed in peacekeeping missions in Africa, mentioned that it is difficult for the peacekeepers to access the peripheral areas that are most affected by conflict, because of the destroyed, poor or non-existent infrastructure. Some of them mentioned that language is another factor that affects the effective and efficient protection of the civilian population, particularly in remote areas where there are no interpreters. One member mentioned an incident where four South African Police Service peacekeepers were kidnapped by rebels on 11 April 2010, during the African Union Mission in Sudan and a ransom was demanded for their release. One of the

members who were kidnapped, mentioned that they relied on sign language to communicate with the kidnappers and this could have been fatal, should the kidnappers have misinterpreted the sign language because neither side was proficient in that.

9. Challenges regarding Intelligence Gathering during the African Union Mission in Sudan

Members of the South African Police Service, who were deployed in the African Union Mission in Sudan, stated that during this mission, peacekeepers on the ground had to convey information and intelligence to sector commanders, so that they could plan deployment on the ground. Intelligence gathered had to be communicated by using radio communications, but in this mission, peacekeepers were using satellite cell phones (*thuraya*), because they had not been issued with two-way radios. The communication range of these satellite cell phones could not cover the long distances from the base where they had to report on the situation and their safety. They further stated that communicating by means of satellite cell phones was also expensive and the process of getting the money to the mission took too long, since the funds had to be sent from Addis Ababa to Khartoum and then only to the mission headquarters in El Fasher. This problem was compounded by the red tape of having to request the funds, therefore it affected the operations on the ground, as peacekeepers had to operate for days with no means of transmitting intelligence.

10. Operational Challenges when the United Nations Security Council Resolution is passed before proper Environmental Scanning

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and the South African Police Service members responsible for international deployments, supported by the literature mentioned, that due to the number of people who might be dying in a conflict situation, the Security Council might adopt a resolution to establish a mission without thoroughly gathering information and conducting a feasibility study for the mission. The peace mission in Darfur was deployed, because there was conflict and a resolution was passed that the peacekeepers must be deployed, to observe that the peace agreement had been implemented and to report the situation to the United

Nations. Reports sent by the peacekeepers, indicated that people were being attacked and killed. Another resolution was then passed to give peacekeepers the power to use force to protect themselves, as well as the local community. Should the United Nations Security Council initially gathered intelligence, the problem could have been averted by the passing of a resolution, authorizing the use of force during the first deployment.

11. Operational Challenges experienced during the Signing of the Memorandum of Understanding

Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, the South African Police Service member who is responsible for coordinating the international training for deployed police officers, the police officer who is responsible for the coordination of the Southern African Development Community Election Observer Missions and the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, supported by the literature, mentioned that the Memorandum of Understanding signed by the police-contributing country, with the United Nations, stipulates the number of police officers that will be made available for the mission. When some members cannot make it to the mission due, to the delay in obtaining their visas from the host country, ill health, or are withdrawn from the mission due to misconduct or other reasons, it means that the country does not have the number of officers that they had committed to. This affects the planning of the mission and has a negative impact on the functioning of the operations on the ground. Members of the South African Police Service who are responsible for international deployments, are of the opinion that this operational challenge can be overcome by not repatriating peacekeepers for minor offences. Secondly, the problem can be overcome by capacitating the peacekeeping mission with personnel, who will handle misconduct cases at the mission base, to ensure that the committed number of police officers are available for the entire duration of the mission.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and some members of the South African Police Service, who are involved in the deployment of police officers in

peacekeeping missions, stated that to overcome the challenge, it should be negotiated with the host country beforehand on matters such as visa requirements when the deployment has to take place. Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions and the South African Police Service member seconded to the Southern African Development Community Secretariat, are of the view that the South African Police Service should always have a standby complement of readily trained police officers who, within a very short space of time, will be able to replace police officers who are repatriated due to misconduct.

12. Restrictions imposed by the Host Country that stifles the Success of the Peacekeeping Missions in Africa

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions and the South African Police Service member seconded to the Southern African Development Community Secretariat declared that countries where peacekeepers are deployed, at times impose restrictions that impede the success of the mission. This includes insisting that their local criminal justice system should be the one that deals with the reported cases, even if the system has collapsed in that country. In these instances, cases of abuse are reported but nothing is done about them. They also mentioned the failure to improve humanitarian access to ensure that needy people are assisted by the humanitarian organizations. Mentioning that, at the inception of the African Union Mission in Sudan, the government of Sudan did not want peacekeepers that were from outside African countries to participate in the mission in Darfur. Supported by the Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation, they stated that this resulted in the mission not being a United Nations mission and it faced enormous problems with regard to equipment, which negatively affected its effectiveness.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and some members of the

South African Police Service who were involved in the deployment of police officers in peacekeeping missions, mentioned that the government of Sudan objected to the upgrading of the African Union observer force, from 300 to 3 500 and to increase the mandate to include the civilians needing protection. Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, further mentioned that the African Union mission operations were also hampered and derailed by the Sudanese Government by making it difficult for funds to be transferred from Addis Ababa to the African Union mission.

They also mentioned that the Sudanese Government connived with the Janjaweed (the militia) and armed them with AK47s and G3s. Stating that it was easy for the African Union to detect this, as these were not traditional weapons that ordinary people could acquire. This made it difficult to distinguish Government forces from the Janjaweed, because they had a close working relationship and the Sudanese emphasized the sovereignty of Sudan, therefore not much could be done. The operational resources of the mission were also depleted quickly, because the peacekeepers had to protect themselves, as well as civilians, who were being attacked by the militia.

13. Challenges encountered regarding Extralegal, Arbitrary or Summary Execution of People

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, stated that the work of medical staff during the mission is governed by a special set of rules, in addition to standard medical ethics. This leads to the problem of sound medical practice being overlooked, because the emphasis is placed on the security of patients and medical personnel. Further mentioning that the limited resources also lead to the death of patients, who would have survived, had more sophisticated means been available. In some instances, the deceased are returned to their countries, or buried without an autopsy being conducted and this complicates the investigations of such deaths. Some of them believe that this problem could be ruled out by reserving funds and recruiting experts to conduct pathological investigations, before the body is returned to the family. If the

situation on the ground is so volatile, the experts can be located in neighbouring countries.

14. Lack of Operational Guidelines for Civilian Protection

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, stated that the police are criticized severely for failing to protect civilians. In the United Nations Hybrid Mission in Sudan, for example, the deployed officers had to get clearance from the Government, to move around the country. The peacekeepers were also made to believe that the protection of civilians was the responsibility of the host country. The mandate of the United Nations and the Status of Forces Agreement, are the two documents that were used for the mission. Operationally, the challenge lies in which document supersedes the other. Some of these police officers mentioned that this challenge could be obviated, by obtaining the full cooperation of the host country. Secondly, the mandate of the United Nations and the Status of Forces Agreement should contain no contradictions with regard to directing the operations of the mission.

15. Challenges encountered in Managing Police Activities in Accordance with the United Nations' Mandate

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, said that to bring stability to the affected areas, there is a need for adequate information and the political will of the country involved. Their main problem tends to be the lack of cooperation of some local communities and at times, also the interference by the local political authorities. This affects the success and independence of the operations of the peacekeepers. The major challenge tends to be the continuously changing situation on the ground, that at times becomes volatile. Sometimes this compels the peacekeepers to act contrary to the mandate of the United Nations to protect themselves and the civilians. Some of them mentioned that this challenge could be partially addressed by gathering adequate information about the situation

on the ground and sending it to the United Nations Department of Peacekeeping Operations, so that the mandate can be amended to address the situation on the ground. Secondly, the host country must also assist the peacekeepers to carry out their activities on the ground, as per the mandate.

16. Challenges encountered by Peacekeeping in analysing the Operating Environment for the Effectiveness of its Operations

Some members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions and the South African Police Service member, seconded to the Southern African Development Community Secretariat, stated that the universal agreement of parties in a country where there is a deployment on how the peacekeepers will operate, is of critical importance. The operational intelligence that they have to gather for the effectiveness of the operation, could easily be construed as the intelligence that could be used against any of the affected parties in the absence of this consent. They stated that, in the absence of consent, a peacekeeping operation also risks becoming a party to the conflict and being drawn towards enforcement action, which is contrary to their fundamental role of peacekeeping. Parties that are not signatories to the peace agreement, tend to be the ones that are more sceptical about intelligence gathering by the peacekeepers, as they normally do not cooperate with the mission and at times they even attack peacekeepers.

These police officers emphasize that, in the absence of consent from stakeholders, a peacekeeping operation cannot be established. This is based on the principle of the sovereignty of every country, therefore no authority can enter into a sovereign country for the purpose of peace before obtaining consent.

17. Ensuring that Peacekeepers are aware of the Standard of Conduct expected from them

Members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions, South African Police Service member seconded to the Southern African Development

Community Secretariat and police officers, who are responsible for coordinating the international training for deployed police officers, mentioned that before deployment, members undergo a training session that prepares them for the mission, by making them aware of behaviour that constitutes misconduct. The police-contributing countries are expected to ensure that members deployed are aware of the United Nations Code of Conduct.

According to the members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, the United Nations and member states are also required to ensure that all credible allegations are investigated and that appropriate action is taken once such allegations have been substantiated. Mentioning that the most common misconduct is sexual exploitation, where male peacekeepers engage in sexual activities with female peacekeepers or the locals, promising them monetary incentives and when such incentives are not forthcoming, cases of sexual exploitation are reported. They are of the view that this problem could be prevented, by emphasizing the fact that the peacekeepers should abstain from any act of sexual relations during the mission.

Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, supported by the literature states that the Head of Mission appointed by the Secretary-General, exercises operational authority over the United Nations peacekeeping operation's activities, including military, police and civilian resources. However, military officers are under the command and control of the United Nations Force Commander. This ambiguous line of command causes confusion on the ground, because all the role-players operate under one budget of the mission, yet the lines of command and control are different. These members are of the opinion that these challenges could be addressed by ensuring that all role-players in the mission, i.e. military, police and civilian staff, operate under the same command and control structure of the United Nations.

18. The Challenges Experienced by the Members of the South African Police Service who were deployed in South Sudan to assist in the Functioning of the Formal Local Police

Firstly, members of the South African Police Service who were deployed in South Sudan to assist in the functioning of the formal local police, reported that the major challenges they experienced were due to resistance from the local police. This was because most of them were not used to operating in formal structures and rendering formal policing. Secondly, the peacekeepers that come from different countries and were deployed to a peacekeeping operation under the multidimensional mandate of the United Nations, found it difficult to implement other strategies of policing such as community policing, while others struggle to implement those strategies, because they were not exposed to them in their countries of origin. Thirdly, some peacekeepers were used to an inquisitorial justice system and others to an accusatorial system, therefore they found it hard to operate in a justice system that they have never been exposed to. Peacekeepers from the former French or British colonies were used to the justice systems of those particular countries.

They argued that these challenges could be avoided by encouraging the police-contributing countries to educate their peacekeepers to cooperate, in order to function in the formal structures of the interim government. Secondly, the United Nations peacekeepers should operate uniformly, under the designed formula of the United Nations and not according to the operational practice of their countries of origin.

19. The Effectiveness of Mission-specific Training undergone by Peacekeepers before their Deployment

The members of the South African Police Service who are responsible for coordinating the international training for deployed police officers, members of the South African Police Service who were once deployed in peacekeeping missions in Africa, members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions and the South African Police Service member seconded to the Southern African Development Community

Secretariat, stated that the mission-specific training is effective, as it prepares the peacekeepers for what to expect on the ground. They emphasized that the training unifies peacekeepers from different countries and that it is in accordance with the mandate under which they are deployed. The member of the South African Police Service who is responsible for coordinating the international training for deployed police officers, further stated that the uniqueness of every mission and the dynamic conflict on the operational ground, make it impossible for the training to be event-specific.

20. The Challenges faced by the United Nations Police Peacekeeping Mission in the Restructuring, Reformation and Training of the National Police Forces

The South African Police Service member who was once deployed as the contingent commander in the United Nations Hybrid Mission in Sudan and the police officer who is responsible for the coordination of the Southern African Development Community Election Observer Missions, mentioned that the main challenges they encountered in assisting with the restructuring, reform and training of the national police forces, as reconciling and standardizing the operational standard of different armed forces of different political parties who have different ideologies. The local police expect that the peacekeepers should provide them with provisions, such as uniforms and with infrastructure, such as building police stations, which is actually something that the peacekeepers cannot do. Their standpoint is that the clarification of the mandate of peacekeepers by local authorities could help to address this problem.

21. The Challenges experienced by the United Nations Police Division in promoting and protecting Human Rights

Some members of the South African Police Service who were once deployed in peacekeeping missions in Africa, members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions and the police officer who is responsible for the coordination of the Southern African Development Community Election Observer Missions stated that sometimes the police are restricted by the mandate under which they are deployed, e.g. that

requires them to only observe and report the human rights violations, as opposed to them being given full law enforcement powers to investigate and carry out arrests when an offence is committed in their presence. Stating that at times the policing responsibilities are allocated to the local police, who might also be contributing to the prevailing human rights violations, making the local citizens lose trust in the peacekeepers. Host countries are entrusted with the responsibility of protecting citizens against violations of human rights, but sometimes host countries are the ones that contribute to the human rights violations of their own citizens.

Members of the South African Police Service who were once deployed in peacekeeping missions in Africa and members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions argue that to address this challenge, the mandate should be formulated in such a way that if the human rights violations take place in the presence of the peacekeepers, they should be given sufficient powers to diffuse the conflict and to arrest the perpetrators. Peacekeepers should be given more powers to not only monitor the situation and report but to act decisively. There is a need for proper intelligence gathering to determine the resources that will be required to protect the community and peacekeepers should be allowed to use their discretion to use force when the situation so dictates. Should it be proven that the local police also contribute to the human rights violation of the local citizens, the United Nations should establish a tribunal, were the local police would be prosecuted.

While some members of the South African Police Service who were once deployed in peacekeeping missions in Africa and some members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions argue that to address this challenge, peacekeepers should work closely with the local chiefs in Africa, as well as encourage the locals to report cases of human rights violations. They further state that this problem could be overcome by getting support from the government of the host country to protect the human rights of their citizens.

22. Challenges encountered in Reforming, Restructuring and Rebuilding a Police Service in the Country where the Deployment is

Members of the South African Police Service who were once deployed in peacekeeping missions in Africa, related their experience in reforming, restructuring and rebuilding a police service during the United Nations Hybrid Mission in Sudan. Some of them, stating that the country chose trainers from preferred countries only, because in Sudan only trainers from Egypt, Jordan and Yemen were selected, even though the officers on the submitted list of trainers from other countries, had impressive CVs as well.

Some of these members, further stated that the main challenge was, that there were two centres of powers, that is, from Sudan Police Headquarters in Khartoum and from the United Nations Headquarters. The authorization from these two centres for tasks to be carried out, delayed the training progress. Secondly, the progress was also stifled by the Government of Sudan, as it had no trust in the United Nations Hybrid Mission and had to give approval for all activities to be conducted.

23. The Impact of an Executive Police Mandate in Peacekeeping Operations

Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, supported by the literature, stated that the executive policing mandate is effective only when the peacekeepers are still deployed. There are good results when the peacekeepers are present and their visibility is felt, but as soon as they leave the mission, human rights are violated because the local police tend to align themselves with the political parties that they belong to and the situation reverts to lawlessness.

24. Challenges faced by the Peacekeeping Police Officers regarding the Executive United Nations Mandate to respond to Violence and to develop Procedures for Policing in a Country with a Deployed Peacekeeping Mission

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions commented on the lack of agreement on legislation that must be used by the various local police agencies, because in conflicted countries, various local forces from different local parties are amalgamated to form a police agency. This leads to the perpetuation of the practices of the former police agency, that might not be effective or respected by some sections of the community. There is always resistance to change by the local police, when having to conform to the new laws and this situation makes it difficult for the United Nations Police to assist with transformation. This has a negative impact on the operations of the mission, because there is no progress in developing policing procedures and the locals blame the peacekeepers that their human rights continue to be violated, despite the involvement of the peacekeepers.

25. Operational Challenges that were Encountered after the Establishment of the African Union Mission in Sudan and the United Nations Hybrid Mission in Sudan

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions, said that the African Union Mission in Sudan which was later taken over by the United Nations and then called the United Nations Hybrid Mission in Sudan, was the mission that had the largest contingent of peacekeeping police officers in the history of the African Union and United Nations missions. The lack of resources of the African Union Mission in Sudan, spilled over to the United Nations Hybrid Mission in Sudan, including the loss of trust that locals had in the African Union Mission. This made the police on the United Nations Hybrid Mission in Sudan to work harder to try

to restore the lost trust. The situation was compounded by the fact that some peacekeepers that were deployed to the African Union Mission in Sudan, were involved in criminal activities.

They stated that the security situation was extremely volatile during the United Nations Hybrid Mission in Sudan. The Darfur Peace Agreement had been signed only by the Government of Sudan and the Sudan Liberation Army, meaning that there was effectively no peace to keep, since other parties were still outside this agreement. Simultaneously, there was still fighting between armed groups, including those that signed the Darfur Peace Agreement and there was the tribal conflict that related to longstanding competition over scarce pasture and water resources. Criminality, including car-jacking, murder and robbery, was another significant source of insecurity. The presence of proxy forces, backed by neighbouring Republic of Chad further complicated the situation.

26. The Impact of Chapter VIII of the United Nations Charter on the Operations during the Mission

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and some members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, stated that the peacekeepers of the missions operating under this Chapter, are not respected because they are responsible only for observing, monitoring and reporting incidents of human rights violation. They further mentioned that it has no arrest powers and peacekeepers are seen only as barking dogs that are harmless, because they are under-resourced and could not access peripheral areas where atrocities are being committed. Because people are being killed under their noses, the peacekeepers lose respect from the locals that they are supposed to protect.

Peacekeeping organizations operating under this chapter is usually not firm, due to the mandate that is restricting them. It is also mentioned that the local government usually interfere and protect the militias that are killing the innocent locals. The

militias, who are normally ex-combatants, are better armed than the peacekeepers, and the spoilers of peace had the opportunity to disrupt the peace initiative.

The Director of the National Office for the Coordination of Peace Missions in the Department of International Relations and Cooperation and the police officer seconded to the Southern African Development Community Secretariat on the other hand, had stated that, under Chapter VIII of the United Nations Charter of 1945, the regional authorities, such as the African Union and the Regional Economic Communities, that are also accountable to the African Union are given the authority to carry out peace settlements in their regions. In most cases, these missions fail, largely due to a lack of resources, such as the African Union Mission in Sudan that operated under the auspices of the African Union and that had to be taken over by the United Nations Hybrid Mission in Sudan, under the auspices of the United Nations.

27. The challenge of ensuring that Violence is eliminated and Peace is restored by the United Nations Civilian Police in the Country of Deployment

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, stated that the recurrence of conflict, spoilers of peace, non-adherence to peace agreements, the nation divided on ethnicity and religion due to conflict and fighting over grazing land for the livestock, are some of the challenges to sustainable peace that the police have to contend with in the country where the peacekeeping mission is deployed.

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, emphasise that this poses a challenge, because fighting over grazing land tends to spread all over the rural part of the country and protecting people in the scattered parts of the country is a problem, as it spreads the allocated resources thin. In Darfur, this was complicated by the active involvement of a government-sponsored Arab militia called the *Janjaweed*, which fought along with

the government troops. There was overwhelming evidence that the Government of Sudan was responsible for recruiting, arming and participating in joint attacks with the militia forces that had become the main instrument for attacks on and the displacement of, the civilian population. Some of these members are of the opinion that the situation could have been managed, if the fighting political parties had honoured the signed agreement and cooperated with the peacekeepers.

Secondly, the government in power, should also be committed to protecting all the people in the country, irrespective of their affiliation in the conflict. The effect of the lack of funding and technical expertise, delayed the attempts at ensuring that peace-building programmes would be carried out successfully. They mentioned that these factors place all the peacekeepers at risk, as well as result in the probability of the entire mission failing.

They supported this by citing a June 2008 incident in Sudan, where a platoon of peacekeepers was held hostage by one of the splinter rebel groups for a period of more than five hours. The reason for the hostage-taking was that the rebels demanded a ransom for their release. The peacekeepers further stated that, what made the situation riskier in the face of increased attacks by insurgents, was when peacekeepers had to travel long distances on unfamiliar routes due to the unavailability of utility helicopters, which made them vulnerable to attacks and ambush by rebel groups. These attacks affect their ability to protect civilians and maintain peace in the country, as they are preoccupied with ensuring their own safety. This hampers the safe delivery of humanitarian services to the Internally Displaced Persons and undermines the usefulness of the peacekeepers in the eyes of many affected people.

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, further mention that during the African Union Mission in Sudan, peacekeepers sometimes spent three to four months without receiving their Mission Subsistence Allowance. This affects the morale of the entire peacekeeper corps, as they see their fellow peacekeepers struggling to sustain themselves financially. Secondly, the spoilers of peace tend to undermine the

peacekeepers, due to the sophisticated equipment that they have in their possession.

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa and members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions, mentioned that during the African Union Mission in Sudan, very little planning had been conducted before the deployment, which turned out to be a complex and dangerous mission, because the necessary intelligence-gathering exercises had not been conducted and they were under-resourced. The African Union had no experience in peacekeeping, therefore they relied on the experience of regional bodies, such as the Economic Community of West African States and South African Development Community, which had been involved in United Nations peacekeeping operations before.

Emphasising that the lack of experience in managing a peacekeeping mission, led to poorly equipped peacekeepers and this negatively affected the success of the mission. To sum it up, inadequate planning, lack of experience, poor funding and lack of expertise led to the failure of the African Union Mission in Sudan.

Some members of the South African Police Service, who were once deployed in peacekeeping missions in Africa, further mentioned that, although the African Union received twenty (20) MI-8 helicopters donated by the Canadian and the Netherlands governments, the helicopters that were used for transportation between the sectors and to Khartoum were soon grounded, due to a lack of fuel and servicing. Logistics support in peacekeeping missions, plays a critical role in assisting the mission to realize its goals. The African Union Mission in Sudan was faced with serious logistical challenges, that frustrated most of the peacekeepers. Lack of resources could be attributed to the African Union's reliance on donations and contributions from other countries to sustain the African Union Mission in Sudan.

28. The Impact of the Security Sector Reform in the Execution of the Mission

Members of the South African Police Service, who are involved in the deployment of police officers in peacekeeping missions, mentioned that the Security Sector Reform focuses on the exit strategy and the reintegration of ex-combatants. As the process slows down, based on the mandate of the mission, some ex-combatants become disillusioned and re-group themselves. This retards the legislative process, due to disagreements and lawlessness and it becomes difficult to reform the country to generate revenue, because investors are scared to come and invest.

5.3 CONCLUSION

It was discovered in the research findings, that peacekeepers experience various challenges during their deployment in different peacekeeping missions. As a result of the challenges experienced during peacekeeping mission operations, some respondents mentioned, that those difficulties affect the morale of the peacekeepers. The respondents indicated that because the challenges experienced are diverse and largely influenced by the type of missions they were deployed to, it would be difficult to come up with a unique and single strategy to address the various challenges experienced during peacekeeping missions. Based on the findings from the respondents, it is imperative that the United Nations, African Union, South African Development Community, Department of International Relations and Cooperation and the South African Police Service, take responsibility on their part to address the issues that emanate from their sides.

CHAPTER 6: RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

The analysis of the research findings in Chapter 5 above indicates some shortcomings, which this chapter will attempt to address by making recommendations that should be understood in the context of addressing the shortcomings/gaps identified in the research findings. The information gathered during the literature review led to the questions that were posed to the members of the South African Police Service who were once deployed in peacekeeping missions in Africa; members of the South African Police Service who are involved in the deployment of police officers in peacekeeping missions; the office that coordinates Peace Missions in the Department of International Relations and Cooperation; and South African Police Service member seconded to the Southern African Development Community Secretariat, with the objective of trying to determine the challenges experienced during peacekeeping missions in Africa.

The recommendations are designed to address the challenges experienced by the peacekeepers in peacekeeping operations, with the objective of minimizing these challenges and enhancing the success of the missions.

The overall conclusion of the study will be based on a comprehensive overview of the challenges experienced by the peacekeepers on a mission and the recommendations made. The implementation of the recommendations to be discussed in this chapter could have a positive impact on minimizing the challenges that are experienced during peacekeeping missions. The minimization of challenges could enhance and ensure the successful accomplishment of the United Nations mandate of peacekeeping missions, especially on the African soil.

6.2 RECOMMENDATIONS

Recommendations are based on the categorized themes of the findings so as to be easily related to a specific findings. Recommendations that relate to a specific theme will be grouped together so that they will be understood within that context.

1. The Expectation for the Democratic South Africa to play a critical Role in Conflict Resolution on the Continent, and the Commitment by South Africa to achieve the Mission's set Mandate

For all practical purposes, it is clear that South Africa does play a critical role in peacekeeping on the continent, but there is a need to measure the impact of South African peacekeepers in these missions. It is recommended that during the debriefing sessions, the South African peacekeepers who return from a peacekeeping mission should mention the problems that they experienced during the mission. If the challenges contributed to the failures of a specific mission, those experiences should be discussed in Parliament to decide to which mission a team of peacekeepers from South Africa should be deployed. The challenges experienced during the mission should also be communicated to the Head of the Mission so that the experiences can be used when determining the mandates for future missions.

Irrespective of whether the mission belongs to the Regional Economic Communities, African Union or the United Nations, it should be optimally resourced. This is critical for the success of the mission and its credibility in the country where the mission is deployed because the people affected want to experience a sense of safety and security from the deployed peacekeepers. The allocation of optimal resources to the mission should be based on the clear understanding that the police-contributing countries would contribute to the mission, well in advance before the start of the mission. This will enable the countries involved to assess the viability of such mission and whether it is possible to work together to address the deficit in resources.

It is also of paramount importance that peacekeepers should have a clear understanding of the aims and requirements of their deployment to the mission. It must be taken into account that the success of the mission does not depend only on the resources allocated to it but on the positive attitude, effectiveness and efficiency of members who will be utilizing such resources. With a positive attitude towards the mission that they are deployed to, the role of the peacekeepers in the mission will be

effective and efficient, and this will portray the professional conduct of the members of the mission and enhance the latter's credibility in that country.

2. The Shortcomings of the White Paper on South African Participation in International Peacekeeping Missions

It is very clear from the research findings that the White Paper on South African participation in international peacekeeping missions is a critical document that guides the Department of International Relations and Cooperation in this regard. Based on the shortcomings of peacekeeping that have been identified since the paper was reviewed in 2006, the best approach is to review the paper on a regular basis so that it is in line with the current realities of the missions. Peacekeeping has evolved from the traditional approach of the United Nations' peace missions to a multidimensional approach. Constant review will make this White Paper a living document that takes the realities of peacekeeping into account so that it will become a valued and guiding document to people or sections involved in peacekeeping.

3. Challenges in the Deployed Countries

It is recommended that the United Nations, African Union, and even the Regional Economic Communities should not conduct a mission that is responsible for only observing, monitoring and reporting any human rights violations. The powers of the peacekeepers should be extended so that even if their role is only to observe, monitor and report, they should have policing responsibilities and rights for arresting the violators if there are any human rights violations. The reason for this recommendation is based on the fact that attackers tend to be aware that the peacekeepers will do nothing to them because they do not have arresting powers.

Secondly, the United Nations, African Union or the Regional Economic Communities, whichever is responsible for the mission, should jointly with the host country educate the local residents on the role and responsibilities of the peacekeepers. This will enable the local residents to know what peacekeepers can and cannot do, and could enhance their cooperation in the peacekeeping mission.

The peace mission should also be preceded by the Disarmament, Demobilization, and Reintegration operation to ensure that the availability of illegal firearms is dealt with. This will enable the peacekeepers to operate in an environment that contains a limited number of illegal firearms, in order to enhance the success of peacekeeping and stability in the host country.

4. Police Officers who have committed Misconduct or a Crime in a Country where there is a Deployment

Peacekeepers who get involved in a misconduct case while they are deployed on a mission are sent back to their country of origin to be subjected to disciplinary action. During the disciplinary action hearing it is difficult to get witnesses from the other country to come and give evidence.

The lack of witnesses has a negative effect and will not result in a successful disciplinary enquiry. It would be better for the misconduct or crime-related hearing to be conducted by the *ad hoc* disciplinary task team that could be established at the peacekeeping mission base. This will ensure that the misconduct is dealt with immediately and members are disciplined without being repatriated to their countries of origin, thus causing an unnecessary shortage of members at the mission.

5. The Challenges of using the Peacekeepers to investigate Crime and effecting Arrest during a Peacekeeping Mission

The duration of deployment in peacekeeping missions should be flexible to allow peacekeepers who are handling an investigation to stay with the mission until the case is finalized so that there can be continuity. It should be taken into account that it would be impracticable to take members back to the mission country to testify when that particular case is heard, after the members have already returned to their country of origin. This could also pose manpower challenges to their units if such members in another country have to testify, taking into account that some cases are not finalized in one sitting. There could also be severe financial implications to the countries that must transport members to the mission country for testimony.

6. The Impact of Destroyed Infrastructure and Language Barriers on effective Peacekeeping in a Country where there is a Deployment

Peacekeeping missions are multidimensional operations that include the military, police and the civilian components. It would be beneficial if a team from the military that includes engineers could be assigned to the police component so that they can assist the police by erecting temporary infrastructure to enable the police to operate in areas where there are no bridges and/or roads. This could address the current challenge where it becomes a bureaucratic process if the police have to request assistance from the military while they have their own operations, but if there is a dedicated team working directly with the police component of the mission, the red tape of waiting for assistance from the military could be reduced. Interpreters should be assigned to the team of peacekeepers, whether they are on or off duty, to enhance communication with locals, as this could build rapport between the peacekeepers and the locals.

Secondly, the South African Police Service members who are regularly used in peacekeeping missions should also be encouraged to attend language courses that are offered by the Department of International Relations and Cooperation. This will empower them to have a basic understanding of languages spoken in other African countries, such as Arabic, French and Portuguese. If the peacekeepers attend the various language courses, there might be two or three in a group that understand some of the foreign languages such as French, Spanish or Arabic, and they can assist the other peacekeepers after working hours when they are not accompanied by the interpreters who are assigned to them when they are on duty.

7. Challenges Resulting from Intelligence Gathering during the African Union Mission in Sudan

The problem of the peacekeepers having to report to sector commanders about intelligence gathered on the ground occurs mainly during under-resourced missions, especially the mission in Darfur in Sudan under the African Union. It would be better if the United Nations, African Union and even the Regional Economic Communities could conduct a pre-deployment assessment that would specifically indicate the amount of funds/resources that would be required for a successful mission.

Such assessment would reveal the need for what could be regarded as a minor resource, such as two-way radios. That could be acquired in time to avoid relying on cell phones at a later stage, which is something that has proven to be an expensive method for dealing with intelligence during the mission.

8. Operational Challenges Experienced at the Signing of the Memorandum of Understanding and Restrictions Imposed by the Host Country

After signing the Memorandum of Understanding with the police-contributing countries, the United Nations and the Department of International Relations and Cooperation should proactively request the host country to prioritize the issuing of visas for the peacekeepers. This will ensure that peacekeeping operations do not suffer as a result of peacekeepers who cannot take up their deployment because they are still waiting for their visas. When the criminal justice system of the host country has collapsed or when the law enforcement officers of the host country are suspected to be involved in human rights violations of their own subjects, the peacekeepers should be given the responsibility of investigating such cases to ensure that the culprits are punished.

When the host country gives consent for a peace mission operation, they should also give consent that if their local law enforcement officers happen to be the violators, they should also be punished. This will ensure that peacekeepers gain respect and cooperation from the locals and that nobody will be seen as being above the law. Humanitarian organizations should be granted access to areas where humanitarian assistance is needed because if people are denied such assistance they lose trust in and respect for peacekeeping. It cannot be over-emphasized that the mission should be optimally resourced so that the peacekeepers will be able to carry out their responsibilities effectively and efficiently in order to protect themselves and the civilians. This means that as a prerequisite for the deployment of a peace mission, the United Nations should firstly demand consent from the host country to allow the deployment, and secondly a commitment from the host country that they will not interfere with the operations of the peace mission whose deployment they have agreed to.

9. Challenges encountered regarding Extra-legal, Arbitrary or Summary Execution of People

If the situation on the ground is so volatile that the safety and security of the medical staff are not guaranteed, an extra budget should be set aside by the management of the mission so that medical personnel can be housed in neighbouring countries, and casualties can be airlifted to get medical attention there or elsewhere. The deceased can also be airlifted so that an autopsy can be conducted in neighbouring countries before the bodies are handed to their families. When a budget is set aside for the medical personnel to be housed in neighbouring countries, this will alleviate the extra responsibility of the peacekeepers to escort and protect the medical personnel. The peacekeepers can focus on protecting the civilians of the host country and themselves.

10. Lack of Operational Guidelines for Civilian Protection and Challenges in managing Police Activities in Accordance with the United Nations' Mandate

The host country should not interfere in the operations of the peacekeepers, so as to ensure that peacekeepers do not encounter unnecessary obstacles in their operations. If the local law enforcement agencies of the host country are seen to be the perpetrators of the conflict, their powers of protecting the civilians should be given to the peacekeepers. If this is not done, there could be a conflict between the peacekeepers and the local law enforcement agencies of the host country. The government of the host country should be responsible for requesting its residents to cooperate with the peacekeepers after the government has consented that the United Nations may deploy a peace mission. The United Nations must direct the government of the host country and other political parties that have an interest in the conflict not to interfere with the peacekeeping operations. This will ensure that peacekeepers will be able to carry out the mandate under which they have to operate without any interference by the political authorities.

11. Challenges encountered by Peacekeeping Management in analysing the Operating Environment and ensuring that Peacekeepers are aware of the Standard of Conduct expected from them

The authority under which the mission is operating, be it the United Nations, African Union or Regional Economic Communities, should first conduct a pre-mission assessment before deploying the peacekeepers so that the situation on the ground is known. This knowledge will facilitate advance planning before the peacekeepers are deployed, so that they will fully understand what to expect on the ground. Intelligence should also be gathered by the peacekeepers while conducting their operations, and the intelligence gathered must be relayed to the organization managing the peace mission so as to strengthen the operations. Political parties that are not signatories to the peace agreement must be brought on board because they are usually the ones that perpetuate violence in the host country, since they sometimes have an agenda of enriching themselves if the violence continues. This will enable the peacekeepers to carry out their operations without any hindrances.

The United Nations Code of Conduct should be emphasized during the pre-deployment training presented by the peace-contributing countries. This will prevent misconduct of the peacekeepers on the mission, since they will understand that if they misbehave during the mission, they bring the image of their country into disrepute. Knowledge of the Code will enlighten those peacekeepers who are under the impression that if they are outside their country they can misbehave, and that it will not be reported to their countries of origin. If they understand the Code, the peacekeepers will also be deterred from any misconduct that could tarnish the image of their countries. All structures of the peace mission, which comprises the military, police and civilian components, should be centralized so that the command and control responsibility can be allocated to the head of the mission. This will ensure that all components will operate as one to the benefit of the mission.

12. The Challenges Experienced by the Members of the South African Police Service who were deployed in South Sudan to assist in the Functioning of the Formal Local Police, and the Effectiveness of Mission-specific Training undergone by Peacekeepers before their Deployment

After the reintegration of ex-combatants, they should first be trained to operate in a formal structure, as they are not used to it. The United Nations should appoint trainers that understand the criminal justice system of the host country so that they can properly explain it to the trainees. This will benefit the host country more than using the trainers who normally operate in a criminal justice system that is different to that of the host country.

If the criminal justice system of the host country is that of the jury system, the trainers must be from countries that understand the jury system. The reason for that is to maintain uniformity in the host country. Before the peacekeepers can be deployed to conduct their operations they should first receive mission-specific training and not only rely the generic peacekeeping training. The rationale behind this recommendation is due to the fact that every country is unique, and therefore the training must address the problems of that particular country.

13. Challenges facing the United Nations Police Peacekeeping Mission in the Restructuring, Reform and Training of the National Police Forces

If the mission is aimed at restructuring, reforming and training the law enforcement personnel of the host country, the purpose of such mission should be clearly explained so that those personnel should not expect the provision of other resources that are not part of the mission, such as infrastructure and other miscellaneous items, for example uniforms. If there are other expectations from the local police that will defeat the purpose of the mission, such expectations and requests by the local police should be communicated to the government of the host country so that the main objective of the mission, which is restructuring, reform and training of the national police, is not derailed. The success of every mission depends on the support of the government of the host country.

14. Challenges encountered in Reforming, Restructuring and Rebuilding a Police Service in the Country where the Peacekeeping Mission is deployed

Once the host country has consented to the deployment of the mission, they should try by all means not to interfere with the operations of the mission. After accomplishing the executive policing mission, the police should not leave the host country all at once because there is a tendency that once the peacekeepers leave the host country, the situation deteriorates and reverts to lawlessness.

Once there is stability in the host country there should still be a post-conflict mission left behind to ensure that the conflict is not reignited after all the peacekeepers have left the host country. The mission should stay until the host country can prove that they are able to police themselves. This is for the purpose of diffusing any potential situation that can ignite the conflict again.

The process of establishing the working procedures for policing should be executed concurrently with the formulation of legislation that deals with transformation of the whole host country. This can be achieved if there is buy-in from the government of the host country, because it would be a futile exercise if policing procedures are developed but there is no supporting legislation. As the Security Sector Reform focuses on the exit strategy and the reintegration of ex-combatants, the latter should be integrated into the army and the police so that they are not disillusioned and made to feel redundant, because that could result in them regrouping and instigating conflict again. Once the country is fully reformed it could be easy to invite investors to return and invest in the country so that revenue can be generated and the country can be self-sustainable.

15. Operational Challenges that were encountered after the Establishment of the African Union Mission in Sudan and the United Nations Hybrid Mission in Sudan

If a mission has been preceded by an unsuccessful mission, the new mission should not make use of the peacekeepers from the old mission because the challenges of the failed mission will spill over to the new mission. The members of the new mission

should also learn from the failure of their predecessors and try not to repeat the same mistakes. This should be done to ensure that the new mission is not discredited due to the failures of the old mission, in order to regain the trust of the locals.

16. The Impact of Chapter VIII of the United Nations Charter on the Operations of the Mission

Even if the mission is deployed under Chapter VIII of the United Nations Charter of 1945, the mandate of the peacekeepers should not be restricted to observation, monitoring and reporting but should include protecting the civilians. The mission operating under this Chapter should be strengthened by giving the peacekeepers the power to act accordingly when there is a violation of human rights. Once the host country has consented to a peace mission, they should refrain from interfering with its operations. Even if the mission is operating under this chapter, sufficient resources should be allocated to enable the mission members to carry out their operations.

It is recommended that the United Nations should also ensure that, when its mandate requires police deployment, the military personnel must work hand-in-hand with the police, to ensure that the police are protected in case the spoilers of peace emerge. The United Nations should ensure that the peace agreement is adhered to by all the parties that have signed the peace agreement, and that those parties that did not sign will avoid the perpetuation of violence. The government of the host country, after giving consent to the peace mission, should fully commit themselves to the peace agreement, as well as the objectives of the mission, by not sponsoring the militias and not interfering with the operations of the peace mission.

6.3 FURTHER RESEARCH

This research was conducted with the purpose of establishing the extent of challenges that the South African Police Service members experience during peace missions. The scope of this research focused on peace operations in countries where there is conflict. Specific challenges that the South African Police Service

members encounter in Election Observer Missions are not dealt with in details in this study. The researcher recommends that further research be conducted, in order to focus on the following aspects: the role of SAPS members in Election Observer Missions and the problems experienced during this kind of a mission.

To further improve the effectiveness of peacekeeping missions, a study could be conducted using a different methodology to measure the opinions of the communities of the host countries on the effectiveness of peacekeeping missions. The analysed results of this study could further be used to improve the effectiveness of peacekeeping operations.

6.4 CONCLUSION

The challenges experienced by the South African Police Service members during peace missions, are very diverse and complicated, because there are various issues that contribute towards such challenges. The study has shown that peacekeeping missions have evolved over time, as much as the organizations that give authority to peace missions have also evolved, just like the League of Nations that has changed to what we know today as the United Nations and the Organisation of African Unity has changed to what we know as the African Union. Most problems experienced during the time of the League of Nations, are not the challenges faced by the United Nations today.

Peacekeeping has also changed from when only the military was involved, to a multi-dimensional approach where the military, the police and the civilian components are involved. These changes have contributed to the challenges that are experienced during peacekeeping missions. The United Nations Police do not only assist post-conflict countries to abide by the rule of law, but also with capacity building, for example, training them after reintegration. The police play various and important roles in the United Nations peacekeeping missions worldwide, where they are deployed. The emphasis on the importance of rule of law by the United Nations Police, requires that disciplined military personnel, police officers and civilian personnel be deployed at all times.

The role of the police component has grown at an exponential rate and the members play a crucial role in the peace operations. Their roles and responsibilities have expanded immensely, from their traditional role of monitoring the host nation's police forces to capacity building and restructuring. Where the local police do not operate effectively, the United Nations Police are expected to maintain and enforce law and order.

In all missions, the United Nations Police play different roles, with the aim of maintaining the rule of law in areas ravaged by war, to ensure peace and stability in the affected communities. The role played by the international police has grown in leaps and bounds and the demand for their services is now very complex. In countries that were affected by war, there is a fundamental need to ensure that, once peace and stability have been achieved, the country's law enforcers should sustain the peace and rule of law after the peacekeepers have left the country. This also contributes to the diverse challenges that the police experience during the missions to which they are deployed.

The study focused on various levels at which peacekeeping mandates are formulated. The levels included the United Nations, the African Union and the Regional Economic Communities (such as the South African Development Community, of which South Africa is a member). Dealing with the challenges experienced during peacekeeping missions mandated at the various levels also differ.

After the dawn of democracy in South Africa, there was a high expectation that the country would participate in conflict resolutions on the continent. That expectation came with its own challenges to the peacekeepers, especially the South African Police Service. The respondents from the South African Police Service indicated that they had experienced various problems during their deployment on different peace missions. They stated that, as a result of these problems, the situation even affected their morale as peacekeepers.

Based on the findings elicited from the respondents, it is imperative that the United Nations, African Union, South African Development Community, Department of International Relations and Cooperation and the South African Police Service take responsibility on their part, to address the challenges that emerge on their sides. This study and the recommendations made, could form the basis for further research to be conducted regarding solutions that would address the difficulties that are experienced by the South African Police Service members when they are deployed to peacekeeping missions.

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ANNEXURE A

LETTER TO REQUEST PERMISSION TO CONDUCT RESEARCH

IP Montesh
94 Blouelie Street
Annlin
0182

For attention of the Spokesperson(s):

- The United Nations Department of Peacekeeping Missions
- The African Union
- The Southern African Development Community
- The Department of International Relations and Cooperation
- The South African Police Service

PERMISSION TO CONDUCT RESEARCH: IP Montesh

Dear Sir

1. Permission is hereby requested to conduct research with the assistance of the above-mentioned departments.
2. I am a doctoral student at the University of South Africa (Unisa) and the research title is "A CRITICAL ANALYSIS OF THE CHALLENGES FACING MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE PARTICIPATING IN PEACEKEEPING MISSIONS IN AFRICA".
3. The research is in fulfilment of the requirements for a doctoral degree in Police Science.

IP Montesh

irene@freedompark.co.za

071 609 8962

ANNEXURE B

PRO FORMA FOR PERMISSION GRANTED BY THE INTERVIEWEES

(signed copies in possession of the researcher)

I, (respondent's name) -----, hereby give my permission to Ms IP Montesh to interview me, and to quote my responses in an academic research paper. I understand that this research paper will be submitted to a professor at the University of South Africa (Unisa). I further understand that I waive any claim to copyright of this material, should the student ever publish it in an academic journal or in electronic format online. I also understand that the author will maintain my anonymity as part of the interview. I hereby give my permission in the form of my signature below.

Signature----- Date-----

INTERVIEW SCHEDULE FOR THE OFFICE THAT COORDINATES PEACE MISSIONS IN THE DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION

1. With South Africa’s transition to democracy in 1994 there was a great expectation on the part of the international community that the country would actively engage in conflict resolution efforts on the continent. Has the expectation been met?

1.1 If not, what were or are the challenges with regard to meeting this expectation?

2. What do you think are the shortcomings in the White Paper that was approved by South Africa with regard to South African participation in international peace missions?

3. South Africa has deployed its police forces on various missions to countries such as South Sudan, the Democratic Republic of Congo, Burundi, Angola and Lesotho. Are the challenges peculiar to a particular country or are they the same?

4. In terms of the United Nations Code of Conduct, the peacekeepers are required to perform their duties with not only the interests of the United Nations in mind, but also recognizing the needs and interests of the host country and its people. The members should exhibit professionalism, impartiality, integrity, independence and tact in all their dealings. There have been reports of misconduct committed by members of peacekeeping units. What happens to the members when they are brought back home for misconduct?

4.1 How does their removal affect the operations of the mission?

4.2 How does their removal affect South Africa?

5. The main aim of the White Paper on South African Participation in International Peace Missions of 1998 is to describe the nature of contemporary peace missions, and to provide clear and concise inter-departmental policy guidelines on South African participation in such missions. Does it provide what it was intended to provide?

6. The deployment of peacekeepers is preceded by the signing of the Memorandum of Understanding by the countries that will be contributing peacekeepers. What challenges are experienced when countries are not fulfilling their obligations in terms of the signed Memorandum of Understanding?

6.1 How can the encountered challenges be obviated?

7. What is the impact of Chapter VIII of the United Nations Charter on the operations during the mission?

8. Does South Africa consider how resourced the mission will be before deciding on the deployment of peacekeepers in that mission, as this has a direct impact of the success of a mission?

9. Once members have been identified as involved in criminal activities, the United Nations has the prerogative of repatriating the involved member to the troop-contributing country or country of origin. Cases of misconduct must be dealt with firmly to avoid undermining the legitimacy and authority of the mission, or the reputation of the country. What challenges are encountered in dealing with this decisively?

9.1 What can be done to overcome the challenge?

10. When the United Nations police are given the responsibility of investigating crime and effecting arrest during peacekeeping missions, what challenges do they encounter operationally?

10.1 What can be done to obviate these challenges?

11. For the success of the mission and the safety of peacekeepers, is there some climate and feasibility study that is conducted before the deployment?

12. Governments, where the peacekeepers are deployed, may at times impose many restrictions that stifle the success of the peacekeeping missions. What are the three main restrictions that have led to unsuccessful missions in Africa?

13. Is there any other thing that you would like to mention on the challenges encountered by the South African Police Service members in peacekeeping?

**INTERVIEW SCHEDULE FOR SOUTH AFRICAN POLICE SERVICE MEMBERS
SECONDED TO THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
SECRETARIAT**

1. What are the operational challenges experienced by the South African Police Service members during SADC Election Observer Mission in the SADC region?

2. In most cases where the South African Police Service have been deployed in Africa, they have been under the command of a Police Commissioner who had been seconded from another African country. What is the level of education and the age limit that are required for deployment in peacekeeping missions?

2.1 What difficulties are experienced in terms of the criteria mentioned above?

3. In terms of the United Nations Code of Conduct, the peacekeepers are required to perform their duties with not only the interests of the United Nations in mind, but also recognizing the needs and interests of the host country and its people. The members should exhibit professionalism, impartiality, integrity, independence and tact in all their dealings. There have been reports of misconduct committed by members of peacekeeping units. What happens to the members when they are brought back home for misconduct?

3.1 How does their removal affect the operations of the mission?

4. The deployment of peacekeepers is preceded by the signing of the Memorandum of Understanding by the countries that will be contributing peacekeepers. What challenges are experienced when countries are not fulfilling their obligations in terms of the signed Memorandum of Understanding?

4.1 How can the encountered challenges be obviated?

5. What is the impact of Chapter VIII of the United Nations Charter on the operations during the mission?

6. Governments where the peacekeepers are deployed may at times impose many restrictions that stifle the success of the peacekeeping missions. What are the three main restrictions that have led to unsuccessful missions in Africa?

7. The perceived legitimacy of the United Nations peacekeeping operation is directly related to the quality and conduct of its peacekeepers. The mission's leadership must ensure that all personnel are fully aware of the standards of conduct and that effective measures are in place to prevent misconduct. Who ensures this and what challenges do they encounter?

7.1 What can be done to obviate these challenges?

8. People who are to be deployed, undergo a short, mission-specific training course prior to deployment. How effective is this course?

9. What challenges do the deployed members encounter in reforming, restructuring and rebuilding the national police and law enforcement agencies in the countries where they are deployed?

10. The United Nations Police Division is mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national actors and institutions to do so on their own. What challenges do they encounter in this and how successful do they tend to be with this mandate?

10.1 What can be done to overcome the challenges experienced?

11. Is there any other thing that you will like to mention on the challenges encountered by the South African Police Service members in peacekeeping?

INTERVIEW SCHEDULE FOR MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE WHO ARE INVOLVED IN THE DEPLOYMENT OF POLICE OFFICERS IN PEACEKEEPING MISSIONS

1. South Africa has deployed its police forces to countries such as Sudan, South Sudan, Democratic Republic of Congo, Angola and various other countries in the SADC region and on various missions. Are the challenges peculiar to a particular country or are they the same?

2. What do you think are the shortcomings in the White Paper that was approved by South Africa with regard to South African participation in international peace missions?

3. In terms of the United Nations Code of Conduct, the peacekeepers are required to perform their duties, with not only the interests of the United Nations in mind, but also recognizing the needs and interests of the host country and its people. The members should exhibit professionalism, impartiality, integrity, independence and tact in all their dealings. There have been reports of misconduct committed by members of peacekeeping units.

What happens to the members when they are brought back home for misconduct?

3.1 How does their removal affect the operations of the mission?

4. In most cases where the South African Police Service have been deployed in Africa, they have been under the command of a police commissioner who had been seconded from another African country. What is the level of education and the age limit that are required for deployment in peacekeeping missions?

4.1 What difficulties are experienced in terms of the criteria mentioned above?

5. The deployment of peacekeepers is preceded by the signing of the Memorandum of Understanding by the countries that will be contributing peacekeepers. What challenges are experienced when countries are not fulfilling their obligations in terms of the signed Memorandum of Understanding?

5.1 How can the encountered challenges be obviated?

6. Governments where the peacekeepers are deployed may at times impose many restrictions that stifle the success of the peacekeeping missions. What are the three main restrictions that have led to unsuccessful missions in Africa?

7. The Security Council's recognition of the importance of the civilian protection mandate is reflected in the reference to Chapter VII of the United Nations Charter, explicitly yet rather restrictively authorizing the use of armed forces to

protect civilians. Despite many positive developments and recognition of the significance of Chapter VII by the United Nations Security Council, continued operational difficulties and failures in the field have raised concerns over the lack of operational guidelines in relation to the civilian protection task. What operational challenges are experienced as a result of this?

7.1 How can such challenges be obviated?

8. At an operational level, challenges are posed to field commanders to understand exactly when and under what circumstances peacekeepers are required to act to prevent mass atrocities. What is being done to address this?

9. The perceived legitimacy of the United Nations peacekeeping operation is directly related to the quality and conduct of its peacekeepers. The mission's

leadership must ensure that all personnel are fully aware of the standards of conduct and that effective measures are in place to prevent misconduct. Who ensures this and what challenges do they encounter?

9.1 What can be done to obviate these challenges?

10. Once members have been identified as involved in criminal activities, the United Nations has the prerogative of repatriating the involved member to the troop-contributing country or country of origin. Cases of misconduct must be dealt with firmly to avoid undermining the legitimacy and authority of the mission, or the reputation of the country. What challenges are encountered in dealing with this decisively?

10.1 What can be done to overcome the challenge?

11. Governments where the peacekeepers are deployed may at times impose many restrictions that stifle the success of the peacekeeping missions. What are the three main restrictions that have led to unsuccessful missions in Africa?

12. Successful police operations are intelligence driven. How effective and efficient is the intelligence gathering in a deployed country to achieve this?

13. People who are to be deployed undergo a short, mission-specific training course prior to deployment. How effective is this course?

14. The United Nations Police Division is mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national actors and institutions to do so on their own. What challenges do they encounter in this and how successful do they tend to be with this mandate?

14.1 What can be done to overcome the challenges experienced?

15. During a peace mission with an executive mandate, the United Nations Police are expected to implement measures to enable them to respond to violence and develop procedures for policing in an environment completely alien to most of the officers in the mission. How does this impact on the operations of the mission?

16. For the success of the mission and the safety of peacekeepers, is there some climate and feasibility study that is conducted before the deployment?

17. Does South Africa consider how resourced the mission will be before deciding on the deployment of peacekeepers in that mission, as this has a direct impact of the success of a mission?

18. Once members have been identified as involved in criminal activities, the United Nations has the prerogative of repatriating the involved member to the troop-contributing country or country of origin. Cases of misconduct must be dealt with firmly to avoid undermining the legitimacy and authority of the mission, or the reputation of the country. What challenges are encountered in dealing with this decisively?

18.1 What can be done to overcome the challenge?

19. What challenges are encountered in managing police activities in accordance with the United Nations' mandate?

20. What is the impact of Chapter VIII of the United Nations Charter on the operations during the mission?

21. Is there any other thing that you will like to mention on the challenges encountered by the South African Police Service members in peacekeeping?

INTERVIEW SCHEDULE FOR MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE WHO WERE ONCE DEPLOYED IN PEACEKEEPING MISSIONS IN AFRICA

1. South Africa has deployed its police forces to countries such as Sudan, South Sudan, Democratic Republic of Congo, Angola and various other countries in the SADC region and on various missions. Are the challenges peculiar to a particular country or are they the same?

2. In terms of the United Nations Code of Conduct, the peacekeepers are required to perform their duties, with not only the interests of the United Nations in mind, but also recognizing the needs and interests of the host country and its people. The members should exhibit professionalism, impartiality, integrity, independence and tact in all their dealings. There have been reports of misconduct committed by members of peacekeeping units. What happens to the members when they are brought back home for misconduct?

- 2.1 How does their removal affect the operations of the mission?

3. In most cases where the South African Police Service have been deployed in Africa, they have been under the command of a police commissioner who had been seconded from another African country. What is the level of education and the age limit that are required for deployment in peacekeeping missions?

3.1 What difficulties are experienced in terms of the criteria mentioned above?

4. When the United Nations police are given the responsibility of investigating crime and effecting arrest during peacekeeping missions, what challenges do they encounter operationally?

4.1 What can be done to obviate these challenges?

5. Governments where the peacekeepers are deployed may at times impose many restrictions that stifle the success of the peacekeeping missions. What are the three main restrictions that have led to unsuccessful missions in Africa?

6. An investigation into extra-legal, arbitrary or summary execution must seek to determine the cause, manner and time of death of the victim, the name of the person responsible, and any pattern or practice that may have brought about this death. When the identity of a deceased person has been determined, a notification of death must be posted and the relatives of the deceased must be informed immediately. The body of the deceased must be returned to the family upon completion of the investigation. What challenges are encountered during war times in this regard?

6.1 What can be done to limit these challenges?

7. Persons identified during the investigation as having participated in an extra-legal, arbitrary or summary execution must be brought to justice, or must be extradited to another state to be brought to justice. What policing challenges are encountered through this?

8. The perceived legitimacy of the United Nations peacekeeping operation is directly related to the quality and conduct of its peacekeepers. The mission's leadership must ensure that all personnel are fully aware of the standards of conduct and that effective measures are in place to prevent misconduct. Who ensures this and what challenges do they encounter?

8.1 What can be done to obviate these challenges?

9. The Security Council's recognition of the importance of the civilian protection mandate is reflected in the reference to Chapter VII of the United Nations Charter, explicitly yet rather restrictively authorizing the use of armed forces to protect civilians. Despite many positive developments and recognition of the significance of Chapter VII by the United Nations Security Council, continued operational difficulties and failures in the field have raised concerns over the lack of operational guidelines in relation to the civilian protection task. What operational challenges are experienced as a result of this?

9.1 How can such challenges be obviated?

10. At an operational level, challenges are posed to field commanders to understand exactly when and under what circumstances peacekeepers are required to act to prevent mass atrocities. What is being done to address this?

11. What challenges are encountered in managing police activities in accordance with the United Nations' mandate?

12. South African Police Service members were deployed to South Sudan under the multidimensional mandate of the United Nations to assist in the formal formation of the functioning of the local police. What specific challenges did they encounter in this?

12.1 What can be done to prevent such challenges in the future?

13. People who are to be deployed undergo a short, mission-specific training course prior to deployment. How effective is this course?

14. The United Nations Police Division is mandated to promote and protect human rights by monitoring and helping to investigate human rights violations and/or developing the capacity of national participators and institutions to do so on their own. What challenges do they encounter in this and how successful do they tend to be with this mandate?

14.1 What can be done to overcome the challenges experienced?

15. What challenges do the deployed members encounter in reforming, restructuring and rebuilding the national police and law enforcement agencies in the countries where they are deployed?

16. When the United Nations police are given the responsibility of investigating crime and effecting arrest during peacekeeping missions, what challenges do they encounter operationally?

16.1 What can be done to obviate these challenges?

17. During a peace mission with an executive mandate, the United Nations Police are expected to implement measures, to enable them to respond to violence and develop procedures for policing in an environment completely alien to most of the officers in the mission. How does this impact on the operations of the mission?

18. How does the destroyed infrastructure affect the operations of the missions?

19. The perceived legitimacy of the United Nations peacekeeping operation is directly related to the quality and conduct of its peacekeepers. The mission's leadership must ensure that all personnel are fully aware of the standards of conduct and that effective measures are in place to prevent misconduct. Who ensures this and what challenges do they encounter?

19.1 What can be done to obviate these challenges?

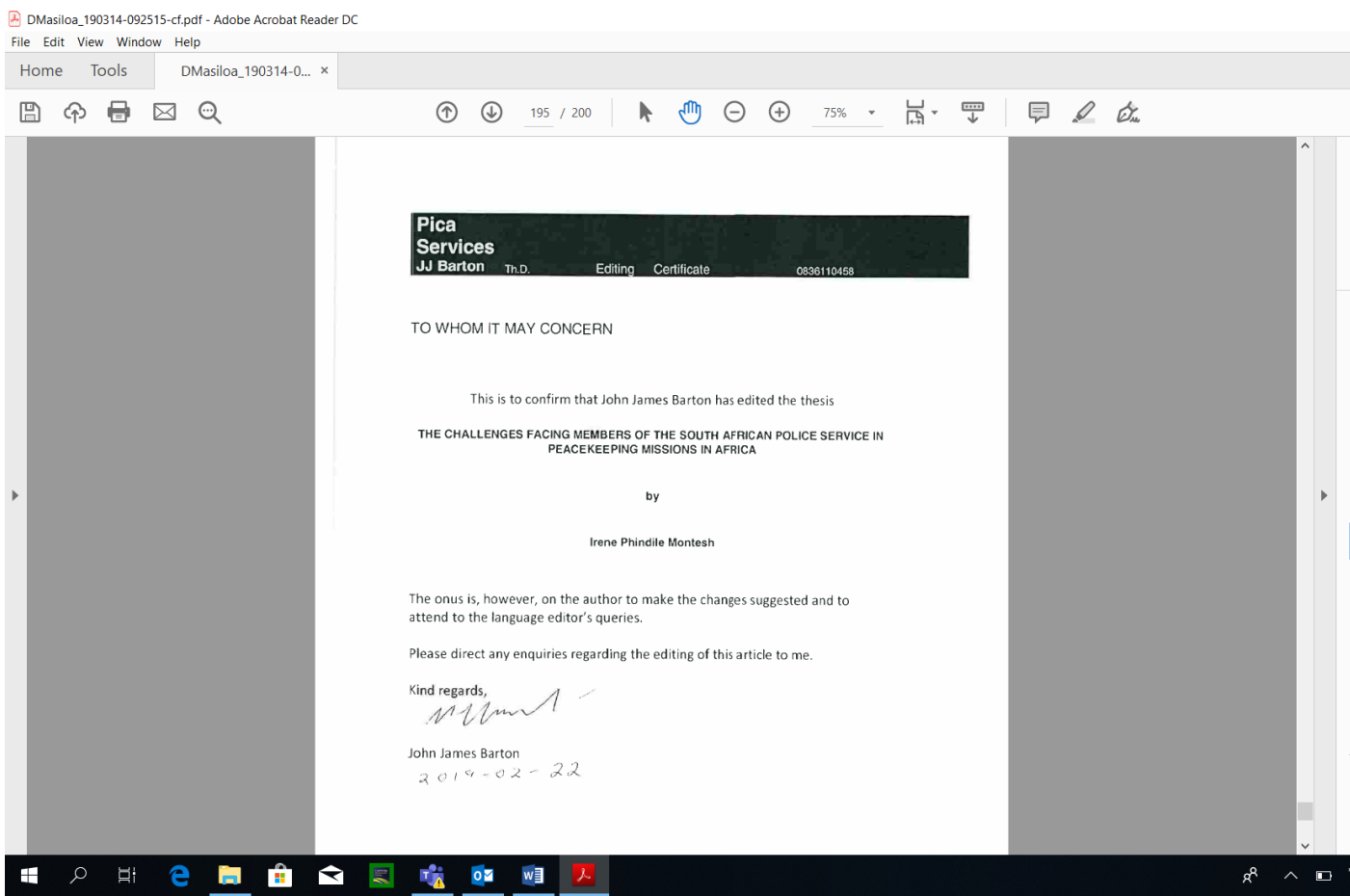
20. What are the main challenges encountered in the elimination of violence and the restoration of peace in the deployed country?

21. What is the impact of Chapter VIII of the United Nations Charter on the operations during the mission?

2.2 What impact does the Security Sector Reform in the execution of the mission mandate?

2.3 Is there any other thing that you will like to mention on the challenges encountered by the South African Police Service members in peacekeeping?

CERTIFICATE OF EDITING



ANNEXURE H

TURN-IT-IN CERTIFICATE

Turnitin

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This is the student portfolio page. The submissions this student has made to your class are shown next to their respective assignments. From this page, you can view a student's submission and a report icon.

assignment list		portfolio for Montesh Irene Phindile	
show grades			
#	Assignment	Title	Submitted
1	Research proposal start: 09-Feb-2018 due: 30-Dec-2017		
1a	Revision 1 start: 01-Sep-2017 due: 30-Jan-2018		
1b	Revision 2 start: 01-Oct-2017 due: 30-Jan-2018		
1c	Revision 3 start: 01-Nov-2017 due: 30-Jan-2018		
3	Final dissertation/thesis for exam start: 09-Feb-2018 due: 30-Dec-2017		
3a	Revision 1 start: 01-Sep-2017 due: 30-Jan-2018		
3b	Revision 2 start: 01-Oct-2017 due: 30-Jan-2018		

ANNEXURE I

AUTHORISATION TO CONDUCT RESEARCH IN THE SOUTH AFRICAN POLICE SERVICE

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REQUEST TO CONDUCT RESEARCH ON THESIS: THE CHALLENGES FACING MEMBERS OF THE SOUTH AFRICAN POLICE SERVICE IN PEACEKEEPING MISSIONS IN AFRICA

1. The Department of International Relations and Cooperations would like to inform you that you are granted permission to conduct research within the department.
2. The permission of conducting research will only cover content that is related to your topic "The challenges facing members of the South African Police Service in Peacekeeping Missions in Africa".
3. Furthermore, we would like to believe that the outcome of your research and the recommendations that will be made will contribute positively to the South African officials deployed to Peace Missions.
4. Good luck with your studies.

Yours sincerely

DIRECTORATE: NATIONAL OFFICE OF COORDINATION OF PEACE MISSION
MS NM DWABAYO
Date: 16-03-2014



AUTHORISATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION

